

AMENDED IN ASSEMBLY JULY 2, 2002

AMENDED IN ASSEMBLY JUNE 17, 2002

AMENDED IN SENATE APRIL 17, 2002

**SENATE BILL**

**No. 1852**

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**Introduced by Committee on Public Safety (Senators McPherson  
(Chair), Burton, Margett, Polanco, Sher, and Vasconcellos)**

February 22, 2002

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*An act to amend Section 15155 of the Government Code, to amend Sections 11372.7 and 11836 of the Health and Safety Code, to amend Sections 23, ~~482~~, 830.8, and 1000 of the Penal Code, to amend Sections 1808, 13350, 13352, 13352.4, 13352.5, 13353.3, 13353.4, 13353.45, 13353.5, 13386, 23249, 23521, 23536, 23538, 23540, 23542, 23546, 23548, 23550, 23550.5, 23552, 23554, 23556, 23560, 23562, 23566, and 23568 of the Vehicle Code, and to amend Section 827.9 of the Welfare and Institutions Code, relating to public safety.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1852, as amended, Committee on Public Safety. Public safety.

(1) Existing law contains numerous provisions pertaining to crime and the implementation of the criminal laws of this state.

This bill would make various nonsubstantive changes to clarify and update these provisions.

(2) Existing law provides that individuals convicted of certain drug offenses must pay a drug program fee which is deposited into a drug program fund allocated to drug abuse programs in the county's schools and in the community. Existing law provides that a certain percentage of the money in the fund shall be used for an annual evaluation conducted by the county superintendent of schools in the counties

where the program is operating containing certain information, as specified.

This bill would remove provisions requiring that an annual evaluation be conducted.

(3) Existing law provides that entry of judgment against certain defendants may be deferred with respect to defendants who are charged with certain enumerated crimes and meet certain criteria including that he or she has no prior convictions for any offense involving controlled substances and has had no prior felony convictions within the 5 years prior, as specified.

This bill would add possession of marijuana while driving a motor vehicle to the list of violations to which these provisions apply.

(4) Existing law provides that all records of the Department of Motor Vehicles relating to the registration of vehicles, other information contained on an application for a driver's license, abstracts of convictions, and other information, are open to public inspection during Department of Motor Vehicles office hours. Existing law requires the Department of Motor Vehicles to disclose to courts and law enforcement agencies certain types of felony convictions for a period of 10 years prior for the purpose of imposing penalties for offenses involving driving under the influence *of* an alcoholic beverage or drug.

This bill would require the department to disclose to courts and law enforcement agencies all convictions for felony gross vehicular manslaughter while intoxicated for the purpose of imposing penalties.

(5) Existing law provides that the Department of Motor Vehicles may suspend a person's privilege to operate a motor vehicle, as specified.

This bill would specify that for the purposes of determining the length of a license suspension, a conviction of any offense in any other state that would have been, if committed in this state, vehicular manslaughter, is to be considered a conviction of California law.

(6) Existing law provides that, with respect to any criminal proceeding against a person who has been issued a license to engage in a business or profession by a state agency, as specified, the state agency which issued the license may voluntarily appear, or may be ordered by the court, to furnish pertinent information, make recommendations regarding specific conditions of probation, or provide any other assistance necessary if the crime charged is substantially related to the qualifications, functions, or duties of a licensee.



This bill would provide that a state agency issuing licenses pursuant to the Chiropractic Initiative Act is also subject to these provisions.

(7) Existing law provides various punishments for persons convicted of driving under the influence of drugs or alcohol including suspension or restriction of the driving privilege, imprisonment, payment of fines, and attendance at driving-under-the-influence programs of various durations, as specified.

This bill would make numerous technical, nonsubstantive, and clarifying changes to these provisions. Because this bill would require proof of completion of a driving-under-the-influence program to be evidenced under penalty of perjury, it would impose a state-mandated local program by expanding the crime of perjury.

(8) *Existing law requires the Department of Justice to maintain a statewide telecommunications system, entitled the California Law Enforcement Telecommunications System, for use by law enforcement agencies, and requires the Attorney General to appoint an advisory committee, with members from specified organizations, to assist with management of the system.*

*This bill would require that the advisory committee include a representative from the California Police Chiefs Association.*

(9) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. *Section 15155 of the Government Code is*  
2 *amended to read:*

3 15155. The committee shall consist of ~~representation of~~  
4 *representatives from* the following organizations:

5 (1) Two representatives from the Peace Officers' Association  
6 of the State of California.

7 (2) One representative from the California State Sheriffs'  
8 Association.

9 (3) One representative from the League of California Cities.

1 (4) One representative from the County Supervisors  
2 Association of California.

3 (5) One representative from the Department of Justice.

4 (6) One representative from the Department of Motor Vehicles.

5 (7) One representative from the Department of General  
6 Services.

7 (8) One representative from the California Highway Patrol.

8 (9) *One representative from the California Police Chiefs*  
9 *Association.*

10 *SEC. 1.5.* Section 11372.7 of the Health and Safety Code is  
11 amended to read:

12 11372.7. (a) Except as otherwise provided in subdivision (b)  
13 or (e), each person who is convicted of a violation of this chapter  
14 shall pay a drug program fee in an amount not to exceed one  
15 hundred fifty dollars (\$150) for each separate offense. The court  
16 shall increase the total fine, if necessary, to include this increment,  
17 which shall be in addition to any other penalty prescribed by law.

18 (b) The court shall determine whether or not the person who is  
19 convicted of a violation of this chapter has the ability to pay a drug  
20 program fee. If the court determines that the person has the ability  
21 to pay, the court may set the amount to be paid and order the person  
22 to pay that sum to the county in a manner that the court believes  
23 is reasonable and compatible with the person's financial ability. In  
24 its determination of whether a person has the ability to pay, the  
25 court shall take into account the amount of any fine imposed upon  
26 that person and any amount that person has been ordered to pay in  
27 restitution. If the court determines that the person does not have the  
28 ability to pay a drug program fee, the person shall not be required  
29 to pay a drug program fee.

30 (c) The county treasurer shall maintain a drug program fund.  
31 For every drug program fee assessed and collected pursuant to  
32 subdivisions (a) and (b), an amount equal to this assessment shall  
33 be deposited into the fund for every conviction pursuant to this  
34 chapter, in addition to fines, forfeitures, and other moneys which  
35 are transmitted by the courts to the county treasurer pursuant to  
36 Sections 11372.5 and 11502. These deposits shall be made prior  
37 to any transfer pursuant to Section 11502. Amounts deposited in  
38 the drug program fund shall be allocated by the administrator of  
39 the county's drug program to drug abuse programs in the schools

1 and the community, subject to the approval of the board of  
2 supervisors, as follows:

3 (1) The moneys in the fund shall be allocated through the  
4 planning process established pursuant to Sections 11983, 11983.1,  
5 11983.2, and 11983.3.

6 (2) A minimum of 33 percent of the fund shall be allocated to  
7 primary prevention programs in the schools and the community.  
8 Primary prevention programs developed and implemented under  
9 this article shall emphasize cooperation in planning and program  
10 implementation among schools and community drug abuse  
11 agencies, and shall demonstrate coordination through an  
12 interagency agreement among county offices of education, school  
13 districts, and the county drug program administrator. These  
14 primary prevention programs may include:

15 (A) School- and classroom-oriented programs, including, but  
16 not limited to, programs designed to encourage sound  
17 decisionmaking, an awareness of values, an awareness of drugs  
18 and their effects, enhanced self-esteem, social and practical skills  
19 that will assist students toward maturity, enhanced or improved  
20 school climate and relationships among all school personnel and  
21 students, and furtherance of cooperative efforts of school- and  
22 community-based personnel.

23 (B) School- or community-based nonclassroom alternative  
24 programs, or both, including, but not limited to, positive peer  
25 group programs, programs involving youth and adults in  
26 constructive activities designed as alternatives to drug use, and  
27 programs for special target groups, such as women, ethnic  
28 minorities, and other high-risk, high-need populations.

29 (C) Family-oriented programs, including, but not limited to,  
30 programs aimed at improving family relationships and involving  
31 parents constructively in the education and nurturing of their  
32 children, as well as in specific activities aimed at preventing drug  
33 abuse.

34 (d) Moneys deposited into a county drug program fund  
35 pursuant to this section shall supplement, and shall not supplant,  
36 any local funds made available to support the county's drug abuse  
37 prevention and treatment efforts.

38 (e) This section shall not apply to any person convicted of a  
39 violation of subdivision (b) of Section 11357 of the Health and  
40 Safety Code.

1 SEC. 2. Section 11836 of the Health and Safety Code is  
2 amended to read:

3 11836. (a) The department shall have the sole authority to  
4 issue, deny, suspend, or revoke the license of a  
5 driving-under-the-influence program. As used in this chapter,  
6 “program” means any firm, partnership, association, corporation,  
7 local governmental entity, agency, or place that has been initially  
8 recommended by the county board of supervisors, subject to any  
9 limitation imposed pursuant to subdivisions (c) and (d), and that  
10 is subsequently licensed by the department to provide alcohol or  
11 drug recovery services in that county to any of the following:

12 (1) A person whose license to drive has been administratively  
13 suspended or revoked for, or who is convicted of, a violation of  
14 Section 23152 or 23153 of the Vehicle Code, and admitted to a  
15 program pursuant to Section 13352, 23538, 23542, 23548, 23552,  
16 23556, 23562, or 23568 of the Vehicle Code.

17 (2) A person who is convicted of a violation of subdivision (b),  
18 (c), (d), or (e) of Section 655 of the Harbors and Navigation Code,  
19 or of Section 655.4 of that code, and admitted to the program  
20 pursuant to Section 668 of that code.

21 (3) A person who has pled guilty or nolo contendere to a charge  
22 of a violation of Section 23103 of the Vehicle Code, under the  
23 conditions set forth in subdivision (c) of Section 23103.5 of the  
24 Vehicle Code, and who has been admitted to the program under  
25 subdivision (e) of Section 23103.5 of the Vehicle Code.

26 (4) A person whose license has been suspended, revoked, or  
27 delayed due to a violation of Section 23140, and who has been  
28 admitted to a program under Article 2 (commencing with Section  
29 23502) of Chapter 1 of Division 11.5 of the Vehicle Code.

30 (b) If a firm, partnership, corporation, association, local  
31 government entity, agency, or place has, or is applying for, more  
32 than one license, the department shall treat each licensed program,  
33 or each program seeking licensure, as belonging to a separate firm,  
34 partnership, corporation, association, local government entity,  
35 agency, or place for the purposes of this chapter.

36 (c) For purposes of providing recommendations to the  
37 department pursuant to subdivision (a), a county board of  
38 supervisors may limit its recommendations to those programs that  
39 provide services for persons convicted of a first  
40 driving-under-the-influence offense, or services to those persons

1 convicted of a second or subsequent driving-under-the-influence  
2 offense, or both services. If a county board of supervisors fails to  
3 provide recommendations, the department shall determine the  
4 program or programs to be licensed in that county.

5 (d) After determining a need, a county board of supervisors  
6 may also place one or more limitations on the services to be  
7 provided by a driving-under-the-influence program or the area the  
8 program may operate within the county, when it initially  
9 recommends a program to the department pursuant to subdivision

10 (a).

11 (1) For purposes of this subdivision, a board of supervisors may  
12 restrict a program for those convicted of a first  
13 driving-under-the-influence offense to providing only a  
14 three-month program, or may restrict a program to those convicted  
15 of a second or subsequent driving-under-the-influence offense to  
16 providing only an 18-month program, as a condition of its  
17 recommendation.

18 (2) A board of supervisors may not place any restrictions on a  
19 program that would violate any statute or regulation.

20 (3) When recommending a program, if a board of supervisors  
21 fails to place any limitation on a program pursuant to this  
22 subdivision, the department may license that program to provide  
23 any driving-under-the-influence program services that are  
24 allowed by law within that county.

25 (4) This subdivision is intended to apply only to the initial  
26 recommendation to the State Department of Alcohol and Drug  
27 Programs for licensure of a program by the county. It is not  
28 intended to affect any license that has been previously issued by  
29 the department or the renewal of any license for a  
30 driving-under-the-influence program. In counties where a  
31 contract or other written agreement is currently in effect between  
32 the county and a licensed driving-under-the-influence program  
33 operating in that county, this subdivision is not intended to alter the  
34 terms of that relationship or the renewal of that relationship.

35 (e) This section shall become operative on January 1, 2001.

36 SEC. 3. Section 23 of the Penal Code is amended to read:

37 23. In any criminal proceeding against a person who has been  
38 issued a license to engage in a business or profession by a state  
39 agency pursuant to provisions of the Business and Professions  
40 Code or the Education Code, or the Chiropractic Initiative Act, the



1 state agency which issued the license may voluntarily appear to  
2 furnish pertinent information, make recommendations regarding  
3 specific conditions of probation, or provide any other assistance  
4 necessary to promote the interests of justice and protect the  
5 interests of the public, or may be ordered by the court to do so, if  
6 the crime charged is substantially related to the qualifications,  
7 functions, or duties of a licensee.

8 For purposes of this section, the term “license” shall include a  
9 permit or a certificate issued by a state agency.

10 For purposes of this section, the term “state agency” shall  
11 include any state board, commission, bureau, or division created  
12 pursuant to the provisions of the Business and Professions Code  
13 ~~or~~, the Education Code, *or the Chiropractic Initiative Act* to  
14 license and regulate individuals who engage in certain businesses  
15 and professions.

16 ~~SEC. 3.5. Section 182 of the Penal Code is amended to read:~~

17 ~~182. (a) If two or more persons conspire:~~

18 ~~(1) To commit any crime.~~

19 ~~(2) Falsely and maliciously to indict another for any crime, or~~  
20 ~~to procure another to be charged or arrested for any crime.~~

21 ~~(3) Falsely to move or maintain any suit, action, or proceeding.~~

22 ~~(4) To cheat and defraud any person of any property, by any~~  
23 ~~means which are in themselves criminal, or to obtain money or~~  
24 ~~property by false pretenses or by false promises with fraudulent~~  
25 ~~intent not to perform those promises.~~

26 ~~(5) To commit any act injurious to the public health, to public~~  
27 ~~morals, or to pervert or obstruct justice, or the due administration~~  
28 ~~of the laws.~~

29 ~~(6) To commit any crime against the person of the President or~~  
30 ~~Vice President of the United States, the Governor of any state or~~  
31 ~~territory, any United States justice or judge, or the secretary of any~~  
32 ~~of the executive departments of the United States.~~

33 ~~They are punishable as follows:~~

34 ~~When they conspire to commit any crime against the person of~~  
35 ~~any official specified in paragraph (6), they are guilty of a felony~~  
36 ~~and are punishable by imprisonment in the state prison for five,~~  
37 ~~seven, or nine years.~~

38 ~~When they conspire to commit any other felony, they shall be~~  
39 ~~punishable in the same manner and to the same extent as is~~  
40 ~~provided for the punishment of that felony. If the felony is one for~~



1 ~~which different punishments are prescribed for different degrees,~~  
2 ~~the jury or court which finds the defendant guilty thereof shall~~  
3 ~~determine the degree of the felony the defendant conspired to~~  
4 ~~commit. If the degree is not so determined, the punishment for~~  
5 ~~conspiracy to commit the felony shall be that prescribed for the~~  
6 ~~lesser degree, except in the case of conspiracy to commit murder,~~  
7 ~~in which case the punishment shall be that prescribed for murder~~  
8 ~~in the first degree.~~

9 ~~If the felony is conspiracy to commit two or more felonies which~~  
10 ~~have different punishments and the commission of those felonies~~  
11 ~~constitute but one offense of conspiracy, the penalty shall be that~~  
12 ~~prescribed for the felony which has the greater maximum term.~~

13 ~~When they conspire to do an act described in paragraph (4), they~~  
14 ~~shall be punishable by imprisonment in the state prison, or by~~  
15 ~~imprisonment in the county jail for not more than one year, or by~~  
16 ~~a fine not exceeding ten thousand dollars (\$10,000), or by both that~~  
17 ~~imprisonment and fine.~~

18 ~~When they conspire to do any of the other acts described in this~~  
19 ~~section, they shall be punishable by imprisonment in the county~~  
20 ~~jail for not more than one year, or in the state prison, or by a fine~~  
21 ~~not exceeding ten thousand dollars (\$10,000), or by both that~~  
22 ~~imprisonment and fine.~~

23 ~~All cases of conspiracy may be prosecuted and tried in the~~  
24 ~~superior court of any county in which any overt act tending to~~  
25 ~~effect the conspiracy shall be done.~~

26 ~~(b) Upon a trial for conspiracy, in a case where an overt act is~~  
27 ~~necessary to constitute the offense, the defendant cannot be~~  
28 ~~convicted unless one or more overt acts are expressly alleged in the~~  
29 ~~indictment or information, nor unless one of the acts alleged is~~  
30 ~~proved; but other overt acts not alleged may be given in evidence.~~

31  
32 SEC. 4. Section 830.8 of the Penal Code is amended to read:

33 830.8. (a) Federal criminal investigators and law  
34 enforcement officers are not California peace officers, but may  
35 exercise the powers of arrest of a peace officer in any of the  
36 following circumstances:

37 (1) Any circumstances specified in Section 836 or Section  
38 5150 of the Welfare and Institutions Code for violations of state or  
39 local laws.

1 (2) When these investigators and law enforcement officers are  
2 engaged in the enforcement of federal criminal laws and exercise  
3 the arrest powers only incidental to the performance of these  
4 duties.

5 (3) When requested by a California law enforcement agency to  
6 be involved in a joint task force or criminal investigation.

7 (4) When probable cause exists to believe that a public offense  
8 that involves immediate danger to persons or property has just  
9 occurred or is being committed.

10 In all of these instances, the provisions of Section 847 shall  
11 apply. These investigators and law enforcement officers, prior to  
12 the exercise of these arrest powers, shall have been certified by  
13 their agency heads as having satisfied the training requirements of  
14 Section 832, or the equivalent thereof.

15 This subdivision does not apply to federal officers of the Bureau  
16 of Land Management or the Forest Service of the Department of  
17 Agriculture. These officers have no authority to enforce California  
18 statutes without the written consent of the sheriff or the chief of  
19 police in whose jurisdiction they are assigned.

20 (b) Duly authorized federal employees who comply with the  
21 training requirements set forth in Section 832 are peace officers  
22 when they are engaged in enforcing applicable state or local laws  
23 on property owned or possessed by the United States government,  
24 or on any street, sidewalk, or property adjacent thereto, and with  
25 the written consent of the sheriff or the chief of police,  
26 respectively, in whose jurisdiction the property is situated.

27 (c) National park rangers are not California peace officers but  
28 may exercise the powers of arrest of a peace officer as specified in  
29 Section 836 and the powers of a peace officer specified in Section  
30 5150 of the Welfare and Institutions Code for violations of state or  
31 local laws provided these rangers are exercising the arrest powers  
32 incidental to the performance of their federal duties or providing  
33 or attempting to provide law enforcement services in response to  
34 a request initiated by California state park rangers to assist in  
35 preserving the peace and protecting state parks and other property  
36 for which California state park rangers are responsible. National  
37 park rangers, prior to the exercise of these arrest powers, shall have  
38 been certified by their agency heads as having satisfactorily  
39 completed the training requirements of Section 832.3, or the  
40 equivalent thereof.

(d) Notwithstanding any other provision of law, during a state of war emergency or a state of emergency, as defined in Section 8558 of the Government Code, federal criminal investigators and law enforcement officers who are assisting California law enforcement officers in carrying out emergency operations are not deemed California peace officers, but may exercise the powers of arrest of a peace officer as specified in Section 836 and the powers of a peace officer specified in Section 5150 of the Welfare and Institutions Code for violations of state or local laws. In these instances, the provisions of Section 847 and of Section 8655 of the Government Code shall apply.

(e) (1) Any qualified person who is appointed as a Washoe tribal law enforcement officer is not a California peace officer, but may exercise the powers of a Washoe tribal peace officer when engaged in the enforcement of Washoe tribal criminal laws against any person who is an Indian, as defined in subsection (a) of Section 450b of Title 25 of the United States Code, on Washoe tribal land. The respective prosecuting authorities, in consultation with law enforcement agencies, may agree on who shall have initial responsibility for prosecution of specified infractions. This subdivision is not meant to confer cross-deputized status as California peace officers, nor to confer California peace officer status upon Washoe tribal law enforcement officers when enforcing state or local laws in the State of California. Nothing in this section shall be construed to impose liability upon or to require indemnification by the County of Alpine or the State of California for any act performed by an officer of the Washoe Tribe. Washoe tribal law enforcement officers shall have the right to travel to and from Washoe tribal lands within California in order to carry out tribal duties.

(2) Washoe tribal law enforcement officers are exempted from the provisions of subdivision (a) of Section 12025 and subdivision (a) of Section 12031 while performing their official duties on their tribal lands or while proceeding by a direct route to or from the tribal lands. Tribal law enforcement vehicles are deemed to be emergency vehicles within the meaning of Section 30 of the Vehicle Code while performing official police services.

(3) As used in this subdivision, the term “Washoe tribal lands” includes the following:

1 (A) All lands located in the County of Alpine within the limits  
2 of the reservation created for the Washoe Tribe of Nevada and  
3 California, notwithstanding the issuance of any patent and  
4 including rights-of-way running through the reservation and all  
5 tribal trust lands.

6 (B) All Indian allotments, the Indian titles to which have not  
7 been extinguished, including rights-of-way running through the  
8 same.

9 (4) As used in this subdivision, the term “Washoe tribal law”  
10 refers to the laws codified in the Law and Order Code of the  
11 Washoe Tribe of Nevada and California, as adopted by the Tribal  
12 Council of the Washoe Tribe of Nevada and California.

13 SEC. 5. Section 1000 of the Penal Code is amended to read:

14 1000. (a) This chapter shall apply whenever a case is before  
15 any court upon an accusatory pleading for a violation of Section  
16 11350, 11357, 11364, 11365, 11377, or 11550 of the Health and  
17 Safety Code, or subdivision (b) of Section 23222 of the Vehicle  
18 Code, or Section 11358 of the Health and Safety Code if the  
19 marijuana planted, cultivated, harvested, dried, or processed is for  
20 personal use, or Section 11368 of the Health and Safety Code if the  
21 narcotic drug was secured by a fictitious prescription and is for the  
22 personal use of the defendant and was not sold or furnished to  
23 another, or subdivision (d) of Section 653f if the solicitation was  
24 for acts directed to personal use only, or Section 381 or subdivision  
25 (f) of Section 647 of the Penal Code, if for being under the  
26 influence of a controlled substance, or Section 4060 of the  
27 Business and Professions Code, and it appears to the prosecuting  
28 attorney that, except as provided in subdivision (b) of Section  
29 11357 of the Health and Safety Code, all of the following apply to  
30 the defendant:

31 (1) The defendant has no conviction for any offense involving  
32 controlled substances prior to the alleged commission of the  
33 charged offense.

34 (2) The offense charged did not involve a crime of violence or  
35 threatened violence.

36 (3) There is no evidence of a violation relating to narcotics or  
37 restricted dangerous drugs other than a violation of the sections  
38 listed in this subdivision.

39 (4) The defendant’s record does not indicate that probation or  
40 parole has ever been revoked without thereafter being completed.

(5) The defendant's record does not indicate that he or she has successfully completed or been terminated from diversion or deferred entry of judgment pursuant to this chapter within five years prior to the alleged commission of the charged offense.

(6) The defendant has no prior felony conviction within five years prior to the alleged commission of the charged offense.

(b) The prosecuting attorney shall review his or her file to determine whether or not paragraphs (1) to (6), inclusive, of subdivision (a) apply to the defendant. Upon the agreement of the prosecuting attorney, law enforcement, the public defender, and the presiding judge of the criminal division of the ~~municipal court or of the superior court in a county in which there is no municipal~~ *superior* court, or a judge designated by the presiding judge, this procedure shall be completed as soon as possible after the initial filing of the charges. If the defendant is found eligible, the prosecuting attorney shall file with the court a declaration in writing or state for the record the grounds upon which the determination is based, and shall make this information available to the defendant and his or her attorney. This procedure is intended to allow the court to set the hearing for deferred entry of judgment at the arraignment. If the defendant is found ineligible for deferred entry of judgment, the prosecuting attorney shall file with the court a declaration in writing or state for the record the grounds upon which the determination is based, and shall make this information available to the defendant and his or her attorney. The sole remedy of a defendant who is found ineligible for deferred entry of judgment is a postconviction appeal.

(c) All referrals for deferred entry of judgment granted by the court pursuant to this chapter shall be made only to programs that have been certified by the county drug program administrator pursuant to Chapter 1.5 (commencing with Section 1211) of Title 8, or to programs that provide services at no cost to the participant and have been deemed by the court and the county drug program administrator to be credible and effective. The defendant may request to be referred to a program in any county, as long as that program meets the criteria set forth in this subdivision.

(d) Deferred entry of judgment for a violation of Section 11368 of the Health and Safety Code shall not prohibit any administrative agency from taking disciplinary action against a licensee or from

1 denying a license. Nothing in this subdivision shall be construed  
2 to expand or restrict the provisions of Section 1000.4.

3 (e) Any defendant who is participating in a program referred to  
4 in this section may be required to undergo analysis of his or her  
5 urine for the purpose of testing for the presence of any drug as part  
6 of the program. However, urine analysis results shall not be  
7 admissible as a basis for any new criminal prosecution or  
8 proceeding.

9 SEC. 6. Section 1808 of the Vehicle Code is amended to read:

10 1808. (a) Except where a specific provision of law prohibits  
11 the disclosure of records or information or provides for  
12 confidentiality, all records of the department relating to the  
13 registration of vehicles, other information contained on an  
14 application for a driver's license, abstracts of convictions, and  
15 abstracts of accident reports required to be sent to the department  
16 in Sacramento, except for abstracts of accidents where, in the  
17 opinion of a reporting officer, another individual was at fault, shall  
18 be open to public inspection during office hours. All abstracts of  
19 accident reports shall be available to law enforcement agencies  
20 and courts of competent jurisdiction.

21 (b) The department shall make available or disclose abstracts  
22 of convictions and abstracts of accident reports required to be sent  
23 to the department in Sacramento, as described in subdivision (a),  
24 if the date of the occurrence is not later than the following:

25 (1) Seven years for any violation designated as two points  
26 pursuant to Section 12810.

27 (2) Three years for accidents and all other violations.

28 (c) The department shall make available or disclose  
29 suspensions and revocations of the driving privilege while the  
30 suspension or revocation is in effect and for three years following  
31 termination of the action or reinstatement of the privilege, except  
32 that driver's license suspension actions taken pursuant to Sections  
33 13202.6 and 13202.7, or Section 256 or 11350.6 of the Welfare and  
34 Institutions Code shall be disclosed only during the actual time  
35 period in which the suspension is in effect.

36 (d) The department shall not make available or disclose any  
37 suspension or revocation that has been judicially set aside or  
38 stayed.

39 (e) The department shall not make available or disclose  
40 personal information about any person unless the disclosure is in



1 compliance with the Driver's Privacy Protection Act of 1994 (18  
2 U.S.C. Sec. 2721 et seq.). However, any disclosure is subject to the  
3 prohibition in paragraph (2) of subdivision (a) of Section 12800.5.

4 (f) The department shall make available or disclose to the  
5 courts and law enforcement agencies any conviction of Section  
6 23152, 23153, or paragraph (1) of subdivision (c) of Section 192  
7 of the Penal Code, punished as a felony for a period of 10 years  
8 from the date of the offense for the purpose of imposing penalties  
9 mandated by Section 23550.5, or by any other applicable  
10 provisions of California law.

11 (g) The department shall make available or disclose to the  
12 courts and law enforcement agencies any conviction of Section  
13 191.5, or paragraph (3) of subdivision (c) of Section 192 of the  
14 Penal Code, punished as a felony, for the purpose of imposing  
15 penalties mandated by Section 23550.5, or by any other applicable  
16 provisions of California law.

17 SEC. 7. Section 13350 of the Vehicle Code is amended to  
18 read:

19 13350. (a) The department immediately shall revoke the  
20 privilege of any person to drive a motor vehicle upon receipt of a  
21 duly certified abstract of the record of any court showing that the  
22 person has been convicted of any of the following crimes or  
23 offenses:

24 (1) Failure of the driver of a vehicle involved in an accident  
25 resulting in injury or death to any person to stop or otherwise  
26 comply with Section 20001.

27 (2) Any felony in the commission of which a motor vehicle is  
28 used, except as provided in Section 13351, 13352, or 13357.

29 (3) Reckless driving causing bodily injury.

30 (b) If a person is convicted of a violation of Section 23152  
31 punishable under Section 23546, 23550, or 23550.5, or a violation  
32 of Section 23153 punishable under Section 23550.5 or 23566,  
33 including a violation of paragraph (3) of subdivision (c) of Section  
34 192 of the Penal Code as provided in Section 193.7 of that code,  
35 the court shall, at the time of surrender of the driver's license or  
36 temporary permit, require the defendant to sign an affidavit in a  
37 form provided by the department acknowledging his or her  
38 understanding of the revocation required by paragraph (5), (6), or  
39 (7) of subdivision (a) of Section 13352, and an acknowledgment  
40 of his or her designation as a habitual traffic offender. A copy of



1 this affidavit shall be transmitted, with the license or temporary  
2 permit, to the department within the prescribed 10 days.

3 (c) The department shall not reinstate the privilege revoked  
4 under subdivision (a) until the expiration of one year after the date  
5 of revocation and until the person whose privilege was revoked  
6 gives proof of financial responsibility as defined in Section 16430.

7 SEC. 8. Section 13352 of the Vehicle Code is amended to  
8 read:

9 13352. (a) The department shall immediately suspend or  
10 revoke, or record the court-administered suspension or revocation  
11 of, the privilege of any person to operate a motor vehicle upon  
12 receipt of an abstract of the record of any court showing that the  
13 person has been convicted of a violation of Section 23152 or 23153  
14 or subdivision (a) of Section 23109, or upon receipt of a report of  
15 a judge of the juvenile court, a juvenile traffic hearing officer, or  
16 a referee of a juvenile court showing that the person has been found  
17 to have committed a violation of Section 23152 or 23153 or  
18 subdivision (a) of Section 23109. If any offense specified in this  
19 section occurs in a vehicle defined in Section 15210, the  
20 suspension or revocation specified below shall apply to the  
21 noncommercial driving privilege. The commercial driving  
22 privilege shall be disqualified as specified in Sections 15300 to  
23 15302, inclusive. For the purposes of this section, suspension or  
24 revocation shall be as follows:

25 (1) Upon a conviction or finding of a violation of Section  
26 23152 punishable under Section 23536, the privilege shall be  
27 suspended for a period of six months. The privilege shall not be  
28 reinstated until the person gives proof of financial responsibility  
29 and gives proof satisfactory to the department of successful  
30 completion of a driving-under-the-influence program licensed  
31 pursuant to Section 11836 of the Health and Safety Code described  
32 in subdivision (b) of Section 23538.

33 Instead of suspending the person's driving privilege, the  
34 department shall issue a restricted license upon receipt of an  
35 abstract of record from the court certifying the court has granted  
36 probation to the person based on the conditions specified in  
37 paragraph (2) of subdivision (a) of, and subdivision (b) of, Section  
38 23538.

39 (2) Upon a conviction or finding of a violation of Section  
40 23153 punishable under Section 23554, the privilege shall be

suspended for a period of one year. The privilege shall not be reinstated until the person gives proof of financial responsibility and gives proof satisfactory to the department of successful completion of a driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code as described in Section 23556.

(3) Except as provided in Section 13352.5, upon a conviction or finding of a violation of Section 23152 punishable under Section 23540, the privilege shall be suspended for two years. The privilege shall not be reinstated until the person gives proof of financial responsibility and gives proof satisfactory to the department of successful completion of a driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code as described in Section 23542. For the purposes of this paragraph, enrollment, participation, and completion of an approved program shall be subsequent to the date of the current violation. No credit shall be given to any program activities completed prior to the date of the current violation. The department shall advise the person that after completion of 12 months of the suspension period, the person may apply to the department for a restricted driver's license, subject to the following conditions:

(A) The person has satisfactorily provided, subsequent to the current underlying conviction, either of the following:

(i) Proof of enrollment in an 18-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code.

(ii) Proof of enrollment in a 30-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, if available in the county of the person's residence or employment.

(B) The person agrees, as a condition of the restriction, to continue satisfactory participation in the program described in subparagraph (A).

(C) The person submits the "Verification of Installation" form described in paragraph (2) of subdivision (e) of Section 13386.

(D) The person agrees to maintain the ignition interlock device as required under subdivision (g) of Section 23575.

(E) The person provides proof of financial responsibility, as defined in Section 16430.

1 (F) The person pays all administrative fees or reissue fees and  
2 any restriction fee required by the department.

3 (G) The restriction shall remain in effect for the period required  
4 in subdivision (f) of Section 23575.

5 (4) Except as provided in this paragraph, upon a conviction or  
6 finding of a violation of Section 23153 punishable under Section  
7 23560, the privilege shall be revoked for a period of three years.  
8 The privilege shall not be reinstated until the person gives proof  
9 of financial responsibility, and the person gives proof satisfactory  
10 to the department of successful completion of a  
11 driving-under-the-influence program licensed pursuant to Section  
12 11836 of the Health and Safety Code as described in Section  
13 23562. For the purposes of this paragraph, enrollment,  
14 participation, and completion of an approved program shall be  
15 subsequent to the date of the current violation. No credit shall be  
16 given to any program activities completed prior to the date of the  
17 current violation. The department shall advise the person that after  
18 the completion of 18 months of the revocation period, the person  
19 may apply to the department for a restricted driver's license,  
20 subject to the following conditions:

21 (A) The person has satisfactorily completed, subsequent to the  
22 current underlying conviction, either of the following:

23 (i) An 18-month driving-under-the-influence program  
24 licensed pursuant to Section 11836 of the Health and Safety Code.

25 (ii) The initial 18 months of a 30-month  
26 driving-under-the-influence program licensed pursuant to Section  
27 11836 of the Health and Safety Code, if available in the county of  
28 the person's residence or employment, and the person agrees, as  
29 a condition of the restriction, to continue satisfactory participation  
30 in that 30-month program.

31 (B) The person submits the "Verification of Installation" form  
32 described in paragraph (2) of subdivision (e) of Section 13386.

33 (C) The person agrees to maintain the ignition interlock device  
34 as required under subdivision (g) of Section 23575.

35 (D) The person provides proof of financial responsibility, as  
36 defined in Section 16430.

37 (E) The person pays all applicable reinstatement or reissue fees  
38 and any restriction fee required by the department.

39 (F) The restriction shall remain in effect for the period required  
40 in subdivision (f) of Section 23575.

1 (5) Except as provided in this paragraph, upon a conviction or  
 2 finding of a violation of Section 23152 punishable under Section  
 3 23546, the privilege shall be revoked for a period of three years.  
 4 The privilege shall not be reinstated until the person files proof of  
 5 financial responsibility and gives proof satisfactory to the  
 6 department of successful completion of one of the following  
 7 programs: an 18-month driving-under-the-influence program  
 8 licensed pursuant to Section 11836 of the Health and Safety Code  
 9 or, if available in the county of the person's residence or  
 10 employment, a 30-month driving-under-the-influence program  
 11 licensed pursuant to Section 11836 of the Health and Safety Code,  
 12 or a program specified in Section 8001 of the Penal Code. For the  
 13 purposes of this paragraph, enrollment, participation, and  
 14 completion of an approved program shall be subsequent to the date  
 15 of the current violation. No credit shall be given to any program  
 16 activities completed prior to the date of the current violation. The  
 17 department shall advise the person that after completion of 18  
 18 months of the revocation period, the person may apply to the  
 19 department for a restricted driver's license, subject to the  
 20 following conditions:

21 (A) The person has satisfactorily completed, subsequent to the  
 22 current underlying conviction, either of the following:

23 (i) An 18-month driving-under-the-influence program  
 24 licensed pursuant to Section 11836 of the Health and Safety Code.

25 (ii) The initial 18 months of a 30-month  
 26 driving-under-the-influence program licensed pursuant to Section  
 27 11836 of the Health and Safety Code, if available in the county of  
 28 the person's residence or employment, and the person agrees, as  
 29 a condition of the restriction, to continue satisfactory participation  
 30 in the 30-month driving-under-the-influence program.

31 (B) The person submits the "Verification of Installation" form  
 32 described in paragraph (2) of subdivision (e) of Section 13386.

33 (C) The person agrees to maintain the ignition interlock device  
 34 as required under subdivision (g) of Section 23575.

35 (D) The person provides proof of financial responsibility, as  
 36 defined in Section 16430.

37 (E) Any individual convicted of a violation of Section 23152  
 38 punishable under Section 23546 may also, at any time after  
 39 sentencing, petition the court for referral to an 18-month  
 40 driving-under-the-influence program licensed pursuant to Section

1 11836 of the Health and Safety Code, or, if available in the county  
2 of the person's residence or employment, a 30-month  
3 driving-under-the-influence program licensed pursuant to Section  
4 11836 of the Health and Safety Code. Unless good cause is shown,  
5 the court shall order the referral.

6 (F) The person pays all applicable reinstatement or reissue fees  
7 and any restriction fee required by the department.

8 (G) The restriction shall remain in effect for the period required  
9 in subdivision (f) of Section 23575.

10 (6) Except as provided in this paragraph, upon a conviction or  
11 finding of a violation of Section 23153 punishable under Section  
12 23566, the privilege shall be revoked for a period of five years. The  
13 privilege shall not be reinstated until the person gives proof of  
14 financial responsibility and proof satisfactory to the department of  
15 successful completion of one of the following programs: an  
16 18-month driving-under-the-influence program licensed pursuant  
17 to Section 11836 of the Health and Safety Code, or, if available in  
18 the county of the person's residence or employment, a 30-month  
19 driving-under-the-influence program licensed pursuant to Section  
20 11836 of the Health and Safety Code, or a program specified in  
21 Section 8001 of the Penal Code. For the purposes of this  
22 paragraph, enrollment, participation, and completion of an  
23 approved program shall be subsequent to the date of the current  
24 violation. No credit shall be given to any program activities  
25 completed prior to the date of the current violation. The  
26 department shall advise the person that after the completion of 30  
27 months of the revocation period, the person may apply to the  
28 department for a restricted driver's license, subject to the  
29 following conditions:

30 (A) The person has satisfactorily completed, subsequent to the  
31 current underlying conviction, either of the following:

32 (i) The initial 18 months of a 30-month  
33 driving-under-the-influence program licensed pursuant to Section  
34 11836 of the Health and Safety Code, if available in the county of  
35 the person's residence or employment, and the person agrees, as  
36 a condition of the restriction, to continue satisfactory participation  
37 in the 30-month driving-under-the-influence program.

38 (ii) An 18-month driving-under-the-influence program  
39 licensed pursuant to Section 11836 of the Health and Safety Code,

1 if a 30-month program is unavailable in the person's county of  
2 residence or employment.

3 (B) The person submits the "Verification of Installation" form  
4 described in paragraph (2) of subdivision (e) of Section 13386.

5 (C) The person agrees to maintain the ignition interlock device  
6 as required under subdivision (g) of Section 23575.

7 (D) The person provides proof of financial responsibility, as  
8 defined in Section 16430.

9 (E) Any individual convicted of a violation of Section 23153  
10 punishable under Section 23566 may also, at any time after  
11 sentencing, petition the court for referral to an 18-month  
12 driving-under-the-influence program or, if available in the county  
13 of the person's residence or employment, a 30-month program  
14 licensed pursuant to Section 11836 of the Health and Safety Code.  
15 Unless good cause is shown, the court shall order the referral.

16 (F) The person pays all applicable reinstatement or reissue fees  
17 and any restriction fee required by the department.

18 (G) The restriction shall remain in effect for the period required  
19 in subdivision (f) of Section 23575.

20 (7) Except as provided in this paragraph, upon a conviction or  
21 finding of a violation of Section 23152 punishable under Section  
22 23550 or 23550.5, or Section 23153 punishable under Section  
23 23550.5 the privilege shall be revoked for a period of four years.  
24 The privilege shall not be reinstated until the person gives proof  
25 of financial responsibility and proof satisfactory to the department  
26 of successful completion of one of the following programs: an  
27 18-month driving-under-the-influence program licensed pursuant  
28 to Section 11836 of the Health and Safety Code, or, if available in  
29 the county of the person's residence or employment, a 30-month  
30 driving-under-the-influence program licensed pursuant to Section  
31 11836 of the Health and Safety Code, or a program specified in  
32 Section 8001 of the Penal Code. For the purposes of this  
33 paragraph, enrollment, participation, and completion of an  
34 approved program shall be subsequent to the date of the current  
35 violation. No credit shall be given to any program activities  
36 completed prior to the date of the current violation. The  
37 department shall advise the person that after the completion of 24  
38 months of the revocation period, the person may apply to the  
39 department for a restricted driver's license, subject to the  
40 following conditions:



1 (A) The person has satisfactorily completed, subsequent to the  
2 current underlying conviction, either of the following:

3 (i) An 18-month driving-under-the-influence program  
4 licensed pursuant to Section 11836 of the Health and Safety Code.

5 (ii) The initial 18 months of a 30-month  
6 driving-under-the-influence program licensed pursuant to Section  
7 11836 of the Health and Safety Code, if available in the county of  
8 the person's residence or employment, and the person agrees, as  
9 a condition of the restriction, to continue satisfactory participation  
10 in the 30-month driving-under-the-influence program.

11 (B) The person submits the "Verification of Installation" form  
12 described in paragraph (2) of subdivision (e) of Section 13386.

13 (C) The person agrees to maintain the ignition interlock device  
14 as required under subdivision (g) of Section 23575.

15 (D) The person provides proof of financial responsibility, as  
16 defined in Section 16430.

17 (E) Any individual convicted of a violation of Section 23152  
18 punishable under Section 23550 may also, at any time after  
19 sentencing, petition the court for referral to an 18-month  
20 driving-under-the-influence program or, if available in the county  
21 of the person's residence or employment, a 30-month  
22 driving-under-the-influence program licensed pursuant to Section  
23 11836 of the Health and Safety Code. Unless good cause is shown,  
24 the court shall order the referral.

25 (F) The person pays all applicable reinstatement or reissue fees  
26 and any restriction fee required by the department.

27 (G) The restriction shall remain in effect for the period required  
28 in subdivision (f) of Section 23575.

29 (8) Upon a conviction or finding of a violation of subdivision  
30 (a) of Section 23109 punishable under subdivision (e) of that  
31 section, the privilege shall be suspended for a period of 90 days to  
32 six months, if and as ordered by the court.

33 (9) Upon a conviction or finding of a violation of subdivision  
34 (a) of Section 23109 punishable under subdivision (f) of that  
35 section, the privilege shall be suspended for a period of six months,  
36 if the court orders the department to suspend the privilege. The  
37 privilege shall not be reinstated until the person gives proof of  
38 financial responsibility.

39 (b) For the purpose of paragraphs (2) to (9), inclusive, of  
40 subdivision (a), the finding of the juvenile court judge, the juvenile



1 traffic hearing officer, or the referee of a juvenile court of a  
2 commission of a violation of Section 23152 or 23153 or  
3 subdivision (a) of Section 23109, as specified in subdivision (a) of  
4 this section, is a conviction.

5 (c) Each judge of a juvenile court, juvenile traffic hearing  
6 officer, or referee of a juvenile court shall immediately report the  
7 findings specified in subdivision (a) to the department.

8 (d) A conviction of an offense in any state, territory, or  
9 possession of the United States, the District of Columbia, the  
10 Commonwealth of Puerto Rico, or Canada that, if committed in  
11 this state, would be a violation of Section 23152, is a conviction  
12 of Section 23152 for purposes of this section, and a conviction of  
13 an offense that, if committed in this state, would be a violation of  
14 Section 23153, is a conviction of Section 23153 for purposes of  
15 this section. The department shall suspend or revoke the privilege  
16 to operate a motor vehicle pursuant to this section upon receiving  
17 notice of that conviction.

18 (e) For the purposes of the restriction conditions specified in  
19 paragraphs (3) to (7), inclusive, of subdivision (a), the department  
20 shall terminate the restriction imposed pursuant to this section and  
21 shall suspend or revoke the person's driving privilege upon receipt  
22 of notification from the program that the person has failed to  
23 comply with the program requirements. The person's driving  
24 privilege shall remain suspended or revoked for the remaining  
25 period of the originating suspension or revocation and until all  
26 reinstatement requirements described in this section are met.

27 (f) For purposes of this section, completion of a program is the  
28 following:

29 (1) Satisfactory completion of all program requirements  
30 approved pursuant to program licensure, as evidenced by a  
31 certificate of completion issued, under penalty of perjury, by the  
32 licensed program.

33 (2) Certification, under penalty of perjury, by the director of a  
34 program specified in Section 8001 of the Penal Code, that the  
35 person has completed a program specified in Section 8001 of the  
36 Penal Code.

37 SEC. 9. Section 13352.4 of the Vehicle Code is amended to  
38 read:

39 13352.4. (a) The department shall require a person upon  
40 whom the court has imposed the condition of probation required

1 by subdivision (b) of Section 23538 to submit proof of the  
2 satisfactory completion of a driving-under-the-influence program  
3 licensed pursuant to Section 11836 of the Health and Safety Code  
4 or of a program defined in Section 8001 of the Penal Code, within  
5 a time period set by the department, beginning from the date of a  
6 conviction or a finding by a court of a violation of Section 23152.

7 (b) The department shall suspend the privilege to drive of any  
8 person who is not in compliance with subdivision (a).

9 (c) The department may suspend the privilege to drive of any  
10 person for failure to file proof of financial responsibility when the  
11 person has been ordered by the court to do so. The suspension shall  
12 remain in effect until adequate proof of financial responsibility is  
13 filed with the department by the person.

14 (d) The department shall not restore the privilege to operate a  
15 motor vehicle after a suspension pursuant to subdivision (b) until  
16 the department receives proof of the completion of a program  
17 pursuant to subdivision (a) that the department finds satisfactory.

18 SEC. 10. Section 13352.5 of the Vehicle Code is amended to  
19 read:

20 13352.5. (a) The department shall issue a restricted driver's  
21 license to a person granted probation under the conditions  
22 described in subdivision (b) of Section 23542 instead of  
23 suspending that person's license, if the person meets all of the  
24 following requirements:

25 (1) Submits proof of enrollment in, or completion of, a  
26 driving-under-the-influence program licensed pursuant to Section  
27 11836 of the Health and Safety Code, as described in paragraph (4)  
28 of subdivision (b) of Section 23542.

29 (2) Submits proof of financial responsibility, as described in  
30 Section 16430.

31 (3) Pays all applicable reinstatement or reissue fees and any  
32 restriction fee required by the department.

33 (b) The restriction of the driving privilege shall become  
34 effective when the department receives all of the documents and  
35 fees required under subdivision (a) and shall remain in effect for  
36 the duration of the treatment program described in paragraph (4)  
37 of subdivision (b) of Section 23542.

38 (c) The restriction of the driving privilege shall be limited to the  
39 hours necessary for driving to and from the place of employment,

1 driving during the course of employment, and driving to and from  
2 activities required in the treatment program.

3 (d) Whenever the driving privilege is restricted under this  
4 section, proof of financial responsibility, as defined in Section  
5 16430, shall be maintained for three years. If the person does not  
6 maintain that proof of financial responsibility at any time during  
7 the restriction, the driving privilege shall be suspended until proof  
8 pursuant to Section 16484 is received by the department.

9 (e) The restriction imposed under this section may be removed  
10 when the person presents evidence satisfactory to the department  
11 that the person has completed a driving-under-the-influence  
12 program licensed pursuant to Section 11836 of the Health and  
13 Safety Code. For the purposes of this section, enrollment,  
14 participation, and completion of an approved program shall be  
15 subsequent to the date of the current violation. No credit shall be  
16 given to any program activities completed prior to the date of the  
17 current violation.

18 (f) The department shall immediately terminate the restriction  
19 imposed pursuant to this section and shall suspend the privilege to  
20 drive under paragraph (3) of subdivision (a) of Section 13352 upon  
21 receipt of notification from the treatment program that the person  
22 has failed to comply with the program requirements.

23 (g) Any person restricted pursuant to this section may apply to  
24 the department for a restricted driver's license, subject to the  
25 conditions specified in paragraph (3) of subdivision (a) of Section  
26 13352. Whenever proof of financial responsibility has already  
27 been provided and a restriction fee has been paid in compliance  
28 with restrictions described in this section, and the offender  
29 subsequently receives an ignition interlock device restriction  
30 described in paragraph (3) of subdivision (a) of Section 13352, the  
31 proof of financial responsibility period shall not be extended  
32 beyond the previously established term and no additional  
33 restriction fee shall be required.

34 SEC. 11. Section 13353.3 of the Vehicle Code is amended to  
35 read:

36 13353.3. (a) An order of suspension of a person's privilege  
37 to operate a motor vehicle pursuant to Section 13353.2 shall  
38 become effective 30 days after the person is served with the notice  
39 pursuant to Section 13382 or 13388, or subdivision (b) of Section  
40 13353.2.

(b) The period of suspension of a person's privilege to operate a motor vehicle under Section 13353.2 is as follows:

(1) Except as provided in Section 13353.6, if the person has not been convicted of a separate violation of Section 23103, as specified in Section 23103.5, of Section 23140, 23152, or 23153, of Section 191.5 of the Penal Code, or of paragraph (3) of subdivision (c) of Section 192 of that code, the person has not been administratively determined to have refused chemical testing pursuant to Section 13353 or 13353.1, or the person has not been administratively determined to have been driving with an excessive concentration of alcohol pursuant to Section 13353.2 on a separate occasion, which offense or occurrence occurred within seven years of the occasion in question, the person's privilege to operate a motor vehicle shall be suspended for four months.

(2) If the person has been convicted of one or more separate violations of Section 23103, as specified in Section 23103.5, Section 23140, 23152, or 23153, Section 191.5 of the Penal Code, or paragraph (3) of subdivision (c) of Section 192 of that code, the person has been administratively determined to have refused chemical testing pursuant to Section 13353 or 13353.1, or the person has been administratively determined to have been driving with an excessive concentration of alcohol pursuant to Section 13353.2 on a separate occasion, which offense or occasion occurred within seven years of the occasion in question, the person's privilege to operate a motor vehicle shall be suspended for one year.

(3) Notwithstanding any other provision of law, if a person has been administratively determined to have been driving in violation of Section 23136 or to have refused chemical testing pursuant to Section 13353.1, the period of suspension shall not be for less than one year.

(c) If a person's privilege to operate a motor vehicle is suspended pursuant to Section 13353.2 and the person is convicted of a violation of Section 23140, 23152, or 23153, including a violation described in Section 23620, arising out of the same occurrence, both the suspension under Section 13353.2 and the suspension or revocation under Section 13352 shall be imposed, except that, notwithstanding Section 13354, the periods of suspension or revocation shall run concurrently, and the total period of suspension or revocation shall not exceed the longer of

1 the two suspension or revocation periods. This subdivision shall  
2 not affect a suspension or revocation pursuant to Section 13353 for  
3 refusal to submit to chemical testing or the imposition of  
4 consecutive periods of suspension or revocation pursuant to  
5 Section 13354 for that refusal.

6 (d) For purposes of this section, a conviction of any offense in  
7 any state, territory, or possession of the United States, the District  
8 of Columbia, the Commonwealth of Puerto Rico, or Canada that,  
9 if committed in this state, would be a violation of Section 23103,  
10 as specified in Section 23103.5, or Section 23140, 23152, or  
11 23153, or Section 191.5 or paragraph (3) of subdivision (c) of  
12 Section 192 of the Penal Code, is a conviction of that particular  
13 section of the Vehicle or Penal Code.

14 SEC. 12. Section 13353.4 of the Vehicle Code is amended to  
15 read:

16 13353.4. (a) Except as provided in subdivision (b) of Section  
17 13353.6, or Section 13353.7 or 13353.8, the driving privilege shall  
18 not be restored, and no restricted or hardship permit to operate a  
19 motor vehicle shall be issued, to a person during the suspension or  
20 revocation period specified in Section 13353, 13353.1, or  
21 13353.3.

22 (b) The privilege to operate a motor vehicle shall not be  
23 restored after a suspension or revocation pursuant to Section  
24 13352, 13353, 13353.1, or 13353.2 until all applicable fees,  
25 including the fees prescribed in Section 14905, have been paid and  
26 the person gives proof of financial responsibility, as defined in  
27 Section 16430, to the department.

28 SEC. 13. Section 13353.45 of the Vehicle Code is amended to  
29 read:

30 13353.45. The department shall, in consultation with the State  
31 Department of Alcohol and Drug Programs, with representatives  
32 of the county alcohol program administrators, and with  
33 representatives of licensed drinking driver program providers,  
34 develop a certificate of completion for the purposes of Sections  
35 13352, 13352.4, and 13352.5 and shall develop, implement, and  
36 maintain a system for safeguarding the certificates against misuse.  
37 The department may charge a reasonable fee for each blank  
38 completion certificate distributed to a drinking driver program.  
39 The fee shall be sufficient to cover, but shall not exceed, the costs

1 incurred in administering this section, Sections 13352, 13352.4,  
2 and 13352.5 or twelve dollars (\$12) per person, whichever is less.

3 SEC. 14. Section 13353.5 of the Vehicle Code is amended to  
4 read:

5 13353.5. (a) If a person whose driving privilege is suspended  
6 or revoked under Section 13352 or 13352.4 is a resident of another  
7 state at the time the mandatory period of suspension or revocation  
8 expires, the department may, upon written application of the  
9 person, terminate the suspension or revocation for the purpose of  
10 allowing the person to apply for a license in his or her state of  
11 residence. The application shall include, but not be limited to,  
12 evidence satisfactory to the department that the applicant now  
13 resides in another state.

14 (b) If the person submits an application for a California driver's  
15 license within three years after the date of the action to terminate  
16 suspension or revocation pursuant to subdivision (a), a license  
17 shall not be issued until evidence satisfactory to the department  
18 establishes that the person is qualified for reinstatement and no  
19 grounds exist including, but not limited to, one or more subsequent  
20 convictions for driving under the influence of alcohol or other  
21 drugs that would support a refusal to issue a license. The  
22 department may waive the three-year requirement upon receipt of  
23 a program completion certificate, as described in subdivision (c)  
24 of Section 13353.4, that has been duly issued to the individual.

25 SEC. 15. Section 13386 of the Vehicle Code is amended to  
26 read:

27 13386. (a) (1) The Department of Motor Vehicles shall  
28 certify or cause to be certified ignition interlock devices required  
29 by Article 5 (commencing with Section 23575) of Chapter 2 of  
30 Division 11.5 and publish a list of approved devices.

31 (2) (A) The Department of Motor Vehicles shall ensure that  
32 ignition interlock devices that have been certified according to the  
33 requirements of this section continue to meet certification  
34 requirements. The department may periodically require  
35 manufacturers to indicate in writing whether the devices continue  
36 to meet certification requirements.

37 (B) The department may use denial of certification, suspension  
38 or revocation of certification, or decertification of an ignition  
39 interlock device in another state as an indication that the

1 certification requirements are not met, if either of the following  
2 apply:

3 (i) The denial of certification, suspension or revocation of  
4 certification, or decertification in another state constitutes a  
5 violation by the manufacturer of Article 2.55 (commencing with  
6 Section 125.00) of Chapter 1 of Division 1 of the Title 13 of the  
7 California Code of Regulations.

8 (ii) The denial of certification for an ignition interlock device  
9 in another state was due to a failure of an ignition interlock device  
10 to meet the standards adopted by the regulation set forth in clause  
11 (i), specifically Sections 1 and 2 of the model specification for  
12 breath alcohol ignition interlock devices, as published by notice in  
13 the Federal Register, Vol. 57, No. 67, Tuesday, April 7, 1992, on  
14 pages 11774 to 11787, inclusive.

15 (C) Failure to continue to meet certification requirements shall  
16 result in suspension or revocation of certification of ignition  
17 interlock devices.

18 (b) The department shall utilize information from an  
19 independent laboratory to certify ignition interlock devices on or  
20 off the premises of the manufacturer or manufacturer's agent, in  
21 accordance with the guidelines. The cost of certification shall be  
22 borne by the manufacturers of ignition interlock devices. If the  
23 certification of a device is suspended or revoked, the manufacturer  
24 of the device shall be responsible for, and shall bear the cost of, the  
25 removal of the device and the replacement of a certified device of  
26 the manufacturer or another manufacturer.

27 (c) No model of ignition interlock device shall be certified  
28 unless it meets the accuracy requirements and specifications  
29 provided in the guidelines adopted by the National Highway  
30 Traffic Safety Administration.

31 (d) All manufacturers of ignition interlock devices that meet  
32 the requirements of subdivision (c) and are certified in a manner  
33 approved by the Department of Motor Vehicles, who intend to  
34 market the devices in this state, first shall apply to the Department  
35 of Motor Vehicles on forms provided by that department. The  
36 application shall be accompanied by a fee in an amount not to  
37 exceed the amount necessary to cover the costs incurred by the  
38 department in carrying out this section.

39 (e) The department shall ensure that standard forms and  
40 procedures are developed for documenting decisions and



1 compliance and communicating results to relevant agencies.  
2 These forms shall include all of the following:

3 (1) An “Option to Install,” to be sent by the Department of  
4 Motor Vehicles to repeat offenders along with the mandatory order  
5 of suspension or revocation. This shall include the alternatives  
6 available for early license reinstatement with the installation of an  
7 ignition interlock device and shall be accompanied by a toll-free  
8 telephone number for each manufacturer of a certified ignition  
9 interlock device. Information regarding approved installation  
10 locations shall be provided to drivers by manufacturers with  
11 ignition interlock devices that have been certified in accordance  
12 with this section.

13 (2) A “Verification of Installation” to be returned to the  
14 department by the reinstating offender upon application for  
15 reinstatement. Copies shall be provided for the manufacturer or the  
16 manufacturer’s agent.

17 (3) A “Notice of Noncompliance” and procedures to ensure  
18 continued use of the ignition interlock device during the restriction  
19 period and to ensure compliance with maintenance requirements.  
20 The maintenance period shall be standardized at 60 days to  
21 maximize monitoring checks for equipment tampering.

22 (f) Every manufacturer and manufacturer’s agent certified by  
23 the department to provide ignition interlock devices shall adopt fee  
24 schedules that provide for the payment of the costs of the device  
25 by applicants in amounts commensurate with the applicant’s  
26 ability to pay.

27 SEC. 17. Section 23249 of the Vehicle Code is amended to  
28 read:

29 23249. The Department of Motor Vehicles shall conduct two  
30 studies to evaluate the effectiveness of ignition interlock in  
31 California and shall report the findings to the Legislature, as  
32 specified in subdivisions (a) and (b).

33 (a) The department shall conduct a process study of ignition  
34 interlock in California and report the findings to the Legislature on  
35 or before July 1, 2002. This study shall examine the  
36 implementation of ignition interlock by the courts, the department  
37 and ignition interlock installers, and report the rate at which courts  
38 assign interlock to persons convicted of a violation of Section  
39 14601.2 and the rate at which these persons install these devices.



(b) The department shall conduct an outcome study of ignition interlock in California and report the findings to the Legislature on or before July 1, 2004. This study shall examine the effectiveness of California's ignition interlock laws in reducing recidivism, moving violation convictions and crashes among drivers ordered by the court to install interlock devices, and among drivers applying to the department, and receiving from it, an ignition interlock restricted license.

SEC. 18. Section 23521 of the Vehicle Code is amended to read:

23521. Any finding of a juvenile court judge, juvenile traffic hearing officer, or referee of a juvenile court of a commission of an offense in any state, territory, possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or the Dominion of Canada which, if committed in this state, would be a violation of Section 23152, is a conviction of a violation of Section 23152 for the purposes of Sections 13352, 13352.3, and 13352.5, and the finding of a juvenile court judge, juvenile traffic hearing officer, or referee of a juvenile court of a commission of an offense which, if committed in this state, would be a violation of Section 23153 is a conviction of a violation of Section 23153 for the purposes of Sections 13352 and 13352.3.

SEC. 19. Section 23536 of the Vehicle Code is amended to read:

23536. (a) If any person is convicted of a first violation of Section 23152, that person shall be punished by imprisonment in the county jail for not less than 96 hours, at least 48 hours of which shall be continuous, nor more than six months and by a fine of not less than three hundred ninety dollars (\$390), nor more than one thousand dollars (\$1,000).

(b) The court shall order that any person punished under subdivision (a), who is to be punished by imprisonment in the county jail, be imprisoned on days other than days of regular employment of the person, as determined by the court. If the court determines that 48 hours of continuous imprisonment would interfere with the person's work schedule, the court shall allow the person to serve the imprisonment whenever the person is normally scheduled for time off from work. The court may make this determination based upon a representation from the defendant's attorney or upon an affidavit or testimony from the defendant.

(c) Except as provided in paragraph (2) of subdivision (a) of Section 23538, the person's privilege to operate a motor vehicle shall be suspended by the Department of Motor Vehicles pursuant to paragraph (1) of subdivision (a) of Section 13352. The court shall require the person to surrender the driver's license to the court in accordance with Section 13350.

SEC. 20. Section 23538 of the Vehicle Code is amended to read:

23538. (a) Except as provided in subdivision (d), if the court grants probation to any person punished under Section 23536, in addition to the provisions of Section 23600 and any other terms and conditions imposed by the court, the court shall impose as a condition of probation that the person be subject to one of the following:

(1) Be confined in the county jail for at least 48 hours but not more than six months, and pay a fine of at least three hundred ninety dollars (\$390), but not more than one thousand dollars (\$1,000). Except as provided in paragraph (2), the person's privilege to operate a motor vehicle shall be suspended by the Department of Motor Vehicles pursuant to paragraph (1) of subdivision (a) of Section 13352. The court shall require the person to surrender the driver's license to the court in accordance with Section 13350.

(2) Pay a fine of at least three hundred ninety dollars (\$390) but not more than one thousand dollars (\$1,000), and, if the person gives proof of financial responsibility, as defined in Section 16430, to the Department of Motor Vehicles, have the privilege to operate a motor vehicle restricted for 90 days to necessary travel to and from that person's place of employment and to and from participation in a program described in subdivision (b). If driving a motor vehicle is necessary to perform the duties of the person's employment, the restriction also shall allow the person to drive to locations within the person's scope of employment. Whenever the driving privilege is restricted pursuant to this paragraph, the person shall maintain proof of financial responsibility for three years.

(3) If the court elects to order a 90-day restriction as provided for in paragraph (2), the court shall order and advise the person of the following matters:



(A) If the person's privilege to operate a motor vehicle is suspended under Section 13353.2, the court-ordered restriction does not allow the person to operate a motor vehicle unless the suspension under Section 13353.2 has either been served to completion or set aside, and his or her license has been reinstated. The restriction of the driver's license described in paragraph (2) shall commence upon the reinstatement of the privilege to operate a motor vehicle.

(B) If a suspension was not imposed pursuant to Section 13353.2, the person shall be advised by the court that the person's driving privilege may be suspended by the department pursuant to subdivision (c) of Section 13352.4 until proof of financial responsibility is provided.

(b) In any county where the board of supervisors has approved, and the State Department of Alcohol and Drug Programs has licensed, a program or programs described in Section 11837.3 of the Health and Safety Code, the court shall also impose as a condition of probation that the driver shall enroll and participate in, and successfully complete a driving-under-the-influence program, licensed pursuant to Section 11836 of the Health and Safety Code, in the driver's county of residence or employment, as designated by the court.

(1) The court shall refer a first offender whose blood-alcohol concentration was less than 0.20 percent, by weight, to participate for at least three months or longer, as ordered by the court, in a licensed program that consists of at least 30 hours of program activities, including those education, group counseling, and individual interview sessions described in Chapter 9 (commencing with Section 11836) of Part 2 of Division 10.5 of the Health and Safety Code.

(2) The court shall refer a first offender whose blood-alcohol concentration was 0.20 percent or more, by weight, or who refused to take a chemical test, to participate for at least six months or longer, as ordered by the court, in a licensed program that consists of at least 45 hours of program activities, including those education, group counseling, and individual interview sessions described in Chapter 9 (commencing with Section 11836) of Part 2 of Division 10.5 of the Health and Safety Code.

(3) The court shall advise the person at the time of sentencing that the driving privilege shall not be restored until the person has

1 provided proof satisfactory to the Department of Motor Vehicles  
2 of successful completion of a driving-under-the-influence  
3 program licensed pursuant to Section 11836 of the Health and  
4 Safety Code.

5 (c) (1) The court shall revoke the person's probation pursuant  
6 to Section 23602, except for good cause shown, for the failure to  
7 enroll in, participate in, or complete a program specified in  
8 subdivision (b).

9 (2) The court, in establishing reporting requirements, shall  
10 consult with the county alcohol program administrator. The  
11 county alcohol program administrator shall coordinate the  
12 reporting requirements with the department and with the State  
13 Department of Alcohol and Drug Programs. That reporting shall  
14 ensure that all persons who, after being ordered to attend and  
15 complete a program, may be identified for either (A) failure to  
16 enroll in, or failure to successfully complete, the program, or (B)  
17 successful completion of the program as ordered.

18 (d) Notwithstanding subdivision (a), if the offense occurred in  
19 a vehicle requiring a driver with a class A or class B driver's license  
20 or with an endorsement specified in Section 15278, the court shall  
21 upon conviction order the department to suspend the driver's  
22 privilege pursuant to paragraph (1) of subdivision (a) of Section  
23 13352.

24 SEC. 21. Section 23540 of the Vehicle Code is amended to  
25 read:

26 23540. If any person is convicted of a violation of Section  
27 23152 and the offense occurred within seven years of a separate  
28 violation of Section 23103, as specified in Section 23103.5,  
29 23152, or 23153, which resulted in a conviction, that person shall  
30 be punished by imprisonment in the county jail for not less than 90  
31 days nor more than one year and by a fine of not less than three  
32 hundred ninety dollars (\$390) nor more than one thousand dollars  
33 (\$1,000). The person's privilege to operate a motor vehicle shall  
34 be suspended by the Department of Motor Vehicles pursuant to  
35 paragraph (3) of subdivision (a) of Section 13352. The court shall  
36 require the person to surrender the driver's license to the court in  
37 accordance with Section 13350.

38 SEC. 22. Section 23542 of the Vehicle Code is amended to  
39 read:

23542. If the court grants probation to any person punished under Section 23540, in addition to the provisions of Section 23600 and any other terms and conditions imposed by the court, the court shall impose as conditions of probation that the person be subject to either subdivision (a) or (b), as follows:

(a) Be confined in the county jail for at least 10 days but not more than one year, and pay a fine of at least three hundred ninety dollars (\$390), but not more than one thousand dollars (\$1,000). The person's privilege to operate a motor vehicle shall be suspended by the Department of Motor Vehicles pursuant to paragraph (3) of subdivision (a) of Section 13352. The court shall require the person to surrender the driver's license to the court in accordance with Section 13350.

(b) All of the following:

(1) Be confined in the county jail for at least 96 hours, but not more than one year. A sentence of 96 hours of confinement shall be served in two increments consisting of a continuous 48 hours each. The two 48-hour increments may be served nonconsecutively.

(2) Pay a fine of at least three hundred ninety dollars (\$390), but not more than one thousand dollars (\$1,000).

(3) Have the privilege to operate a motor vehicle be restricted by the Department of Motor Vehicles pursuant to Section 13352.5. Until all conditions prescribed in this section are met, the person's driving privilege is suspended pursuant to paragraph (3) of subdivision (a) of Section 13352. This paragraph does not apply if the offense occurred in a vehicle requiring a driver with a class A or class B driver's license or with an endorsement prescribed in Section 15278.

(4) Either of the following:

(A) Enroll and participate, for at least 18 months subsequent to the date of the underlying violation and in a manner satisfactory to the court, in a driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, as designated by the court. The person shall complete the entire program subsequent to, and shall not be given any credit for any program activities completed prior to, the date of the current violation. The program shall provide for persons who cannot afford the program fee pursuant to paragraph (2) of subdivision (b)

1 of Section 11837.4 of the Health and Safety Code in order to  
2 enable those persons to participate.

3 (B) Enroll and participate, for at least 30 months subsequent to  
4 the date of the underlying violation and in a manner satisfactory  
5 to the court, in a driving-under-the-influence program licensed  
6 pursuant to Section 11836 of the Health and Safety Code. The  
7 person shall complete the entire program subsequent to, and shall  
8 not be given any credit for any program activities completed prior  
9 to, the date of the current violation.

10 (c) The court shall advise the person at the time of sentencing  
11 that the driving privilege shall not be restored until the person has  
12 provided proof satisfactory to the Department of Motor Vehicles  
13 of successful completion of a driving-under-the-influence  
14 program licensed pursuant to Section 11836 of the Health and  
15 Safety Code.

16 SEC. 23. Section 23546 of the Vehicle Code is amended to  
17 read:

18 23546. (a) If any person is convicted of a violation of Section  
19 23152 and the offense occurred within seven years of two separate  
20 violations of Section 23103, as specified in Section 23103.5,  
21 23152, or 23153, or any combination thereof, which resulted in  
22 convictions, that person shall be punished by imprisonment in the  
23 county jail for not less than 120 days nor more than one year and  
24 by a fine of not less than three hundred ninety dollars (\$390) nor  
25 more than one thousand dollars (\$1,000). The person's privilege  
26 to operate a motor vehicle shall be revoked by the Department of  
27 Motor Vehicles as required in paragraph (5) of subdivision (a) of  
28 Section 13352. The court shall require the person to surrender his  
29 or her driver's license to the court in accordance with Section  
30 13550.

31 (b) Any person convicted of a violation of Section 23152  
32 punishable under this section shall be designated as a habitual  
33 traffic offender for a period of three years, subsequent to the  
34 conviction. The person shall be advised of this designation  
35 pursuant to subdivision (b) of Section 13350.

36 SEC. 24. Section 23548 of the Vehicle Code is amended to  
37 read:

38 23548. (a) If the court grants probation to any person  
39 punished under Section 23546, in addition to the provisions of  
40 Section 23600 and any other terms and conditions imposed by the



1 court, the court shall impose as conditions of probation that the  
2 person be confined in the county jail for at least 120 days but not  
3 more than one year and pay a fine of at least three hundred ninety  
4 dollars (\$390) but not more than one thousand dollars (\$1,000).  
5 The person's privilege to operate a motor vehicle shall be revoked  
6 by the Department of Motor Vehicles pursuant to paragraph (5) of  
7 subdivision (a) of Section 13352. The court shall require the  
8 person to surrender the driver's license to the court in accordance  
9 with Section 13350.

10 (b) In addition to subdivision (a), if the court grants probation  
11 to any person punished under Section 23546, the court may order  
12 as a condition of probation that the person participate, for at least  
13 30 months subsequent to the underlying conviction and in a  
14 manner satisfactory to the court, in a driving-under-the-influence  
15 program licensed pursuant to Section 11836 of the Health and  
16 Safety Code. In lieu of the minimum term of imprisonment  
17 specified in subdivision (a), the court shall impose as a condition  
18 of probation under this subdivision that the person be confined in  
19 the county jail for at least 30 days but not more than one year. The  
20 court shall not order the treatment prescribed by this subdivision  
21 unless the person makes a specific request and shows good cause  
22 for the order, whether or not the person has previously completed  
23 a treatment program pursuant to paragraph (4) of subdivision (b)  
24 of Section 23542 or paragraph (4) of subdivision (b) of Section  
25 23562. A person ordered to treatment pursuant to this subdivision  
26 shall apply to the court or to a board of review, as designated by  
27 the court, at the conclusion of the program to obtain the court's  
28 order of satisfaction. Only upon the granting of that order of  
29 satisfaction by the court may the program issue its certificate of  
30 successful completion and report the completion to the  
31 Department of Motor Vehicles. A failure to obtain an order of  
32 satisfaction at the conclusion of the driving-under-the-influence  
33 program is a violation of probation. In order to enable all required  
34 persons to participate, each person shall pay the program costs  
35 commensurate with the person's ability to pay as determined  
36 pursuant to Section 11837.4 of the Health and Safety Code. No  
37 condition of probation required pursuant to this subdivision is a  
38 basis for reducing any other probation requirement in this section  
39 or Section 23600 or for avoiding the mandatory license revocation  
40 provisions of paragraph (5) of subdivision (a) of Section 13352.

1 (c) In addition to the provisions of Section 23600 and  
2 subdivision (a), if the court grants probation to any person  
3 punished under Section 23546 who has not previously completed  
4 a treatment program pursuant to paragraph (4) of subdivision (b)  
5 of Section 23542 or paragraph (4) of subdivision (b) of Section  
6 23562, and unless the person is ordered to participate in and  
7 complete a driving-under-the-influence program under  
8 subdivision (b), the court shall impose as a condition of probation  
9 that the person, subsequent to the date of the current violation,  
10 enroll and participate, for at least 18 months and in a manner  
11 satisfactory to the court, in a driving-under-the-influence program  
12 licensed pursuant to Section 11836 of the Health and Safety Code,  
13 as designated by the court. The person shall complete the entire  
14 program subsequent to, and shall not be given any credit for  
15 program activities completed prior to, the date of the current  
16 violation. Any person who has previously completed a 12-month  
17 or 18-month program licensed pursuant to Section 11836 of the  
18 Health and Safety Code shall not be eligible for referral pursuant  
19 to this subdivision unless a 30-month licensed  
20 driving-under-the-influence program is not available for referral  
21 in the county of the person's residence or employment. The  
22 program shall provide for persons who cannot afford the program  
23 fee pursuant to paragraph (2) of subdivision (b) of Section 11837.4  
24 of the Health and Safety Code in order to enable those persons to  
25 participate. No condition of probation required pursuant to this  
26 subdivision is a basis for reducing any other probation requirement  
27 in this section or Section 23600 or for avoiding the mandatory  
28 license revocation provisions of paragraph (5) of subdivision (a)  
29 of Section 13352.

30 SEC. 25. Section 23550 of the Vehicle Code is amended to  
31 read:

32 23550. (a) If any person is convicted of a violation of Section  
33 23152 and the offense occurred within seven years of three or more  
34 separate violations of Section 23103, as specified in Section  
35 23103.5, or Section 23152 or 23153, or any combination thereof,  
36 which resulted in convictions, that person shall be punished by  
37 imprisonment in the state prison, or in a county jail for not less than  
38 180 days nor more than one year, and by a fine of not less than three  
39 hundred ninety dollars (\$390) nor more than one thousand dollars  
40 (\$1,000). The person's privilege to operate a motor vehicle shall

be revoked by the Department of Motor Vehicles pursuant to paragraph (7) of subdivision (a) of Section 13352. The court shall require the person to surrender the driver's license to the court in accordance with Section 13350.

(b) Any person convicted of a violation of Section 23152 punishable under this section shall be designated as a habitual traffic offender for a period of three years, subsequent to the conviction. The person shall be advised of this designation pursuant to subdivision (b) of Section 13350.

SEC. 26. Section 23550.5 of the Vehicle Code is amended to read:

23550.5. (a) A person is guilty of a public offense, punishable by imprisonment in the state prison or confinement in a county jail for not more than one year and by a fine of not less than three hundred ninety dollars (\$390) nor more than one thousand dollars (\$1,000) if that person is convicted of a violation of Section 23152 or 23153, and the offense occurred within 10 years of any of the following:

(1) A prior violation of Section 23152 that was punished as a felony under Section 23550 or this section, or both, or under former Section 23175 or former Section 23175.5, or both.

(2) A prior violation of Section 23153 that was punished as a felony.

(3) A prior violation of paragraph (1) of subdivision (c) of Section 192 of the Penal Code that was punished as a felony.

(b) Every person who, having previously been convicted of a violation of Section 191.5 of the Penal Code or a felony violation of paragraph (3) of subdivision (c) of Section 192 of the Penal Code, is subsequently convicted of a violation of Section 23152 or 23153 is guilty of a public offense punishable by imprisonment in the state prison or confinement in a county jail for not more than one year and by a fine of not less than three hundred ninety dollars (\$390) nor more than one thousand dollars (\$1,000).

(c) The privilege to operate a motor vehicle of a person convicted of a violation that is punishable under subdivision (a) or (b) shall be revoked by the department under paragraph (7) of subdivision (a) of Section 13352, unless paragraph (6) of subdivision (a) of Section 13352 is also applicable, in which case the privilege shall be revoked under that provision. The court shall

1 require the person to surrender the driver's license to the court in  
2 accordance with Section 13350.

3 (d) Any person convicted of a violation of Section 23152 or  
4 23153 that is punishable under this section shall be designated as  
5 a habitual traffic offender for a period of three years, subsequent  
6 to the conviction. The person shall be advised of this designation  
7 under subdivision (b) of Section 13350.

8 SEC. 27. Section 23552 of the Vehicle Code is amended to  
9 read:

10 23552. (a) If the court grants probation to any person  
11 punished under Section 23550, in addition to the provisions of  
12 Section 23600 and any other terms and conditions imposed by the  
13 court, the court shall impose as conditions of probation that the  
14 person be confined in a county jail for at least 180 days but not  
15 more than one year and pay a fine of at least three hundred ninety  
16 dollars (\$390) but not more than one thousand dollars (\$1,000).  
17 The person's privilege to operate a motor vehicle shall be revoked  
18 by the Department of Motor Vehicles pursuant to paragraph (7) of  
19 subdivision (a) of Section 13352. The court shall require the  
20 person to surrender the driver's license to the court in accordance  
21 with Section 13350.

22 (b) In addition to subdivision (a), if the court grants probation  
23 to any person punished under Section 23550, the court may order  
24 as a condition of probation that the person participate, for at least  
25 30 months subsequent to the underlying conviction and in a  
26 manner satisfactory to the court, in a driving-under-the-influence  
27 program licensed pursuant to Section 11836 of the Health and  
28 Safety Code. In lieu of the minimum term of imprisonment in  
29 subdivision (a), the court shall impose as a condition of probation  
30 under this subdivision that the person be confined in the county jail  
31 for at least 30 days but not more than one year. The court shall not  
32 order the treatment prescribed by this subdivision unless the  
33 person makes a specific request and shows good cause for the  
34 order, whether or not the person has previously completed a  
35 treatment program pursuant to paragraph (4) of subdivision (b) of  
36 Section 23542 or paragraph (4) of subdivision (b) of Section  
37 23562. A person ordered to treatment pursuant to this subdivision  
38 shall apply to the court or to a board of review, as designated by  
39 the court, at the conclusion of the program to obtain the court's  
40 order of satisfaction. Only upon the granting of that order of



1 satisfaction by the court may the program issue its certificate of  
2 successful completion and report the completion to the  
3 Department of Motor Vehicles. A failure to obtain an order of  
4 satisfaction at the conclusion of the program is a violation of  
5 probation. In order to enable all required persons to participate,  
6 each person shall pay the program costs commensurate with the  
7 person's ability to pay as determined pursuant to Section 11837.4  
8 of the Health and Safety Code. No condition of probation required  
9 pursuant to this subdivision is a basis for reducing any other  
10 probation requirement in this section or Section 23600 or for  
11 avoiding the mandatory license revocation provisions of  
12 paragraph (7) of subdivision (a) of Section 13352.

13 (c) In addition to the provisions of Section 23600 and  
14 subdivision (a), if the court grants probation to any person  
15 punished under Section 23550 who has not previously completed  
16 a treatment program pursuant to paragraph (4) of subdivision (b)  
17 of Section 23542 or paragraph (4) of subdivision (b) of Section  
18 23562, and unless the person is ordered to participate in, and  
19 complete, a program under subdivision (b), the court shall impose  
20 as a condition of probation that the person, subsequent to the date  
21 of the current violation, enroll in and participate, for at least 18  
22 months and in a manner satisfactory to the court, in a  
23 driving-under-the-influence program licensed pursuant to Section  
24 11836 of the Health and Safety Code, as designated by the court.  
25 The person shall complete the entire program subsequent to, and  
26 shall not be given any credit for program activities completed prior  
27 to, the date of the current violation. Any person who has previously  
28 completed a 12-month or 18-month driving-under-the-influence  
29 program licensed pursuant to Section 11836 of the Health and  
30 Safety Code shall not be eligible for referral pursuant to this  
31 subdivision unless a 30-month driving-under-the-influence  
32 program licensed pursuant to Section 11836 of the Health and  
33 Safety Code is not available for referral in the county of the  
34 person's residence or employment. No condition of probation  
35 required pursuant to this subdivision is a basis for reducing any  
36 other probation requirement in this section or Section 23600 or for  
37 avoiding the mandatory license revocation provisions of  
38 paragraph (7) of subdivision (a) of Section 13352.

39 SEC. 28. Section 23554 of the Vehicle Code is amended to  
40 read:

1 23554. If any person is convicted of a first violation of Section  
2 23153, that person shall be punished by imprisonment in the state  
3 prison, or in a county jail for not less than 90 days nor more than  
4 one year, and by a fine of not less than three hundred ninety dollars  
5 (\$390) nor more than one thousand dollars (\$1,000). The person's  
6 privilege to operate a motor vehicle shall be suspended by the  
7 Department of Motor Vehicles pursuant to paragraph (2) of  
8 subdivision (a) of Section 13352. The court shall require the  
9 person to surrender the driver's license to the court in accordance  
10 with Section 13350.

11 SEC. 29. Section 23556 of the Vehicle Code is amended to  
12 read:

13 23556. (a) If the court grants probation to any person  
14 punished under Section 23554, in addition to the provisions of  
15 Section 23600 and any other terms and conditions imposed by the  
16 court, the court shall impose as a condition of probation that the  
17 person be confined in the county jail for at least five days but not  
18 more than one year and pay a fine of at least three hundred ninety  
19 dollars (\$390) but not more than one thousand dollars (\$1,000).  
20 The person's privilege to operate a motor vehicle shall be  
21 suspended by the Department of Motor Vehicles pursuant to  
22 paragraph (2) of subdivision (a) of Section 13352. The court shall  
23 require the person to surrender the driver's license to the court in  
24 accordance with Section 13350.

25 (b) (1) In any county where the county alcohol program  
26 administrator has certified, and the board of supervisors has  
27 approved, such a program or programs, the court shall also impose  
28 as a condition of probation that the driver shall participate in, and  
29 successfully complete, an alcohol and other drug education and  
30 counseling program, established pursuant to Section 11837.3 of  
31 the Health and Safety Code, as designated by the court.

32 (2) In any county where the board of supervisors has approved  
33 and the State Department of Alcohol and Drug Programs has  
34 licensed an alcohol and other drug education and counseling  
35 program, the court shall also impose as a condition of probation  
36 that the driver enroll in, participate in, and successfully complete,  
37 driving-under-the-influence program licensed pursuant to Section  
38 11836 of the Health and Safety Code, in the driver's county of  
39 residence or employment, as designated by the court.





1 (c) (1) The court shall revoke the person's probation pursuant  
2 to Section 23602, except for good cause shown, for the failure to  
3 enroll in, participate in, or complete a program specified in  
4 subdivision (b).

5 (2) The court, in establishing reporting requirements, shall  
6 consult with the county alcohol program administrator. The  
7 county alcohol program administrator shall coordinate the  
8 reporting requirements with the department and with the  
9 Department of Alcohol and Drug Programs. That reporting shall  
10 ensure that all persons who, after being ordered to attend and  
11 complete a program, may be identified for either (A) failure to  
12 enroll in, or failure to successfully complete, the program, or (B)  
13 successful completion of the program as ordered.

14 (d) The court shall advise the person at the time of sentencing  
15 that the driving privilege shall not be restored until the person has  
16 provided proof satisfactory to the Department of Motor Vehicles  
17 of successful completion of a driving-under-the-influence  
18 program licensed pursuant to Section 11836 of the Health and  
19 Safety Code.

20 SEC. 30. Section 23560 of the Vehicle Code is amended to  
21 read:

22 23560. If any person is convicted of a violation of Section  
23 23153 and the offense occurred within seven years of a separate  
24 violation of Section 23103, as specified in Section 23103.5,  
25 23152, or 23153 which resulted in a conviction, that person shall  
26 be punished by imprisonment in the state prison, or in a county jail  
27 for not less than 120 days nor more than one year, and by a fine of  
28 not less than three hundred ninety dollars (\$390) nor more than  
29 five thousand dollars (\$5,000). The person's privilege to operate  
30 a motor vehicle shall be revoked by the Department of Motor  
31 Vehicles pursuant to paragraph (4) of subdivision (a) of Section  
32 13352. The court shall require the person to surrender the driver's  
33 license to the court in accordance with Section 13350.

34 SEC. 31. Section 23562 of the Vehicle Code is amended to  
35 read:

36 23562. If the court grants probation to any person punished  
37 under Section 23560, in addition to the provisions of Section  
38 23600 and any other terms and conditions imposed by the court,  
39 the court shall impose as conditions of probation that the person  
40 be subject to either subdivision (a) or (b), as follows:



(a) Be confined in the county jail for at least 120 days and pay a fine of at least three hundred ninety dollars (\$390), but not more than five thousand dollars (\$5,000). The person's privilege to operate a motor vehicle shall be revoked by the Department of Motor Vehicles pursuant to paragraph (4) of subdivision (a) of Section 13352. The court shall require the person to surrender the driver's license to the court in accordance with Section 13350.

(b) All of the following:

(1) Be confined in the county jail for at least 30 days, but not more than one year.

(2) Pay a fine of at least three hundred ninety dollars (\$390), but not more than one thousand dollars (\$1,000).

(3) The privilege to operate a motor vehicle shall be revoked by the Department of Motor Vehicles under paragraph (4) of subdivision (a) of Section 13352. The court shall require the person to surrender the driver's license to the court in accordance with Section 13350.

(4) Either of the following:

(A) Enroll and participate, for at least 18 months subsequent to the date of the underlying violation and in a manner satisfactory to the court, in a driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, if available in the county of the person's residence or employment, as designated by the court. The person shall complete the entire program subsequent to, and shall not be given any credit for program activities completed prior to, the date of the current violation. The program shall provide for persons who cannot afford the program fee pursuant to paragraph (2) of subdivision (b) of Section 11837.4 of the Health and Safety Code in order to enable those persons to participate.

(B) Enroll and participate, for at least 30 months subsequent to the date of the underlying violation and in a manner satisfactory to the court, in a driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, if available in the county of the person's residence or employment. The person shall complete the entire program subsequent to, and shall not be given any credit for program activities completed prior to, the date of the current violation.

(c) The court shall advise the person at the time of sentencing that the driving privilege shall not be restored until the person has

1 provided proof satisfactory to the Department of Motor Vehicles  
2 of successful completion of a driving-under-the-influence  
3 program licensed pursuant to Section 11836 of the Health and  
4 Safety Code.

5 SEC. 32. Section 23566 of the Vehicle Code is amended to  
6 read:

7 23566. (a) If any person is convicted of a violation of Section  
8 23153 and the offense occurred within seven years of two or more  
9 separate violations of Section 23103, as specified in Section  
10 23103.5, or Section 23152 or 23153, or any combination of these  
11 violations, which resulted in convictions, that person shall be  
12 punished by imprisonment in the state prison for a term of two,  
13 three, or four years and by a fine of not less than one thousand  
14 fifteen dollars (\$1,015) nor more than five thousand dollars  
15 (\$5,000). The person's privilege to operate a motor vehicle shall  
16 be revoked by the Department of Motor Vehicles pursuant to  
17 paragraph (6) of subdivision (a) of Section 13352. The court shall  
18 require the person to surrender the driver's license to the court in  
19 accordance with Section 13350.

20 (b) If any person is convicted of a violation of Section 23153,  
21 and the act or neglect proximately causes great bodily injury, as  
22 defined in Section 12022.7 of the Penal Code, to any person other  
23 than the driver, and the offense occurred within seven years of two  
24 or more separate violations of Section 23103, as specified in  
25 Section 23103.5, or Section 23152 or 23153, or any combination  
26 of these violations, which resulted in convictions, that person shall  
27 be punished by imprisonment in the state prison for a term of two,  
28 three, or four years and by a fine of not less than one thousand  
29 fifteen dollars (\$1,015) nor more than five thousand dollars  
30 (\$5,000). The person's privilege to operate a motor vehicle shall  
31 be revoked by the Department of Motor Vehicles pursuant to  
32 paragraph (6) of subdivision (a) of Section 13352. The court shall  
33 require the person to surrender the driver's license to the court in  
34 accordance with Section 13350.

35 (c) If any person is convicted under subdivision (b), and the  
36 offense for which the person is convicted occurred within seven  
37 years of four or more separate violations of Section 23103, as  
38 specified in Section 23103.5, or Section 23152 or 23153, or any  
39 combination of these violations, that resulted in convictions, that  
40 person shall, in addition and consecutive to the sentences imposed

1 under subdivision (b), be punished by an additional term of  
2 imprisonment in the state prison for three years.

3 The enhancement allegation provided in this subdivision shall  
4 be pleaded and proved as provided by law.

5 (d) Any person convicted of Section 23153 punishable under  
6 this section shall be designated as a habitual traffic offender for a  
7 period of three years, subsequent to the conviction. The person  
8 shall be advised of this designation pursuant to subdivision (b) of  
9 Section 13350.

10 (e) Any person confined in state prison under this section shall  
11 be ordered by the court to participate in an alcohol or drug  
12 program, or both, that is available at the prison during the person's  
13 confinement. Completion of an alcohol or drug program under this  
14 section does not meet the program completion requirement of  
15 paragraph (6) of subdivision (a) of Section 13352, unless the drug  
16 or alcohol program is licensed under Section 11836 of the Health  
17 and Safety Code, or is a program specified in Section 8001 of the  
18 Penal Code.

19 SEC. 33. Section 23568 of the Vehicle Code is amended to  
20 read:

21 23568. (a) If the court grants probation to any person  
22 punished under Section 23566, in addition to the provisions of  
23 Section 23600 and any other terms and conditions imposed by the  
24 court, the court shall impose as conditions of probation that the  
25 person be confined in the county jail for at least one year, that the  
26 person pay a fine of at least three hundred ninety dollars (\$390) but  
27 not more than five thousand dollars (\$5,000), and that the person  
28 make restitution or reparation pursuant to Section 1203.1 of the  
29 Penal Code. The person's privilege to operate a motor vehicle shall  
30 be revoked by the Department of Motor Vehicles pursuant to  
31 paragraph (6) of subdivision (a) of Section 13352. The court shall  
32 require the person to surrender the driver's license to the court in  
33 accordance with Section 13350.

34 (b) In addition to Section 23600 and subdivision (a), if the court  
35 grants probation to any person punished under Section 23566, the  
36 court shall impose as a condition of probation that the person enroll  
37 in and complete, subsequent to the date of the underlying violation  
38 and in a manner satisfactory to the court, an 18-month  
39 driving-under-the-influence program licensed pursuant to Section  
40 11836 of the Health and Safety Code or, if available in the county



1 of the person's residence or employment, a 30-month  
2 driving-under-the-influence program licensed pursuant to Section  
3 11836 of the Health and Safety Code, as designated by the court.  
4 The person shall complete the entire program subsequent to, and  
5 shall not be given any credit for program activities completed prior  
6 to, the date of the current violation. In lieu of the minimum term  
7 of imprisonment in subdivision (a), the court shall impose as a  
8 minimum condition of probation under this subdivision that the  
9 person be confined in the county jail for at least 30 days but not  
10 more than one year. Except as provided in this subdivision, if the  
11 court grants probation under this section, the court shall order the  
12 treatment prescribed by this subdivision, whether or not the person  
13 has previously completed a treatment program pursuant to  
14 paragraph (4) of subdivision (b) of Section 23542 or paragraph (4)  
15 of subdivision (b) of Section 23562. A person ordered to treatment  
16 pursuant to this subdivision shall apply to the court or to a board  
17 of review, as designated by the court, at the conclusion of the  
18 program to obtain the court's order of satisfaction. Only upon the  
19 granting of that order of satisfaction by the court may the program  
20 issue its certificate of successful completion and report the  
21 completion to the Department of Motor Vehicles. A failure to  
22 obtain an order of satisfaction at the conclusion of the program is  
23 a violation of probation. In order to enable all required persons to  
24 participate, each person shall pay the program costs commensurate  
25 with the person's ability to pay as determined pursuant to Section  
26 11837.4 of the Health and Safety Code. No condition of probation  
27 required pursuant to this subdivision is a basis for reducing any  
28 other probation requirement in this section or Section 23600 or for  
29 avoiding the mandatory license revocation provisions of  
30 paragraph (6) of subdivision (a) of Section 13352.

31 SEC. 34. Section 827.9 of the Welfare and Institutions Code  
32 is amended to read:

33 827.9. (a) It is the intent of the Legislature to reaffirm its  
34 belief that records or information gathered by law enforcement  
35 agencies relating to the taking of a minor into custody, temporary  
36 custody, or detention (juvenile police records) should be  
37 confidential. Confidentiality is necessary to protect those persons  
38 from being denied various opportunities, to further the  
39 rehabilitative efforts of the juvenile justice system, and to prevent  
40 the lifelong stigma that results from having a juvenile police

1 record. Although these records generally should remain  
2 confidential, the Legislature recognizes that certain circumstances  
3 require the release of juvenile police records to specified persons  
4 and entities. The purpose of this section is to clarify the persons  
5 and entities entitled to receive a complete copy of a juvenile police  
6 record, to specify the persons or entities entitled to receive copies  
7 of juvenile police records with certain identifying information  
8 about other minors removed from the record, and to provide  
9 procedures for others to request a copy of a juvenile police record.  
10 This section does not govern the release of police records  
11 involving a minor who is the witness to or victim of a crime who  
12 is protected by other laws including, but not limited to, Section  
13 841.5 of the Penal Code, Section 11167 et seq. of the Penal Code,  
14 and Section 6254 of the Government Code.

15 (b) Except as provided in Sections 389 and 781 of this code or  
16 Section 1203.45 of the Penal Code, a law enforcement agency  
17 shall release, upon request, a complete copy of a juvenile police  
18 record, as defined in subdivision (m), without notice or consent  
19 from the person who is the subject of the juvenile police record to  
20 the following persons or entities:

21 (1) Other California law enforcement agencies including the  
22 office of the Attorney General of California, any district attorney,  
23 the Department of Corrections, the Department of the Youth  
24 Authority, and any peace officer as specified in subdivision (a) of  
25 Section 830.1 of the Penal Code.

26 (2) School district police.

27 (3) Child protective agencies as defined in Section 11165.9 of  
28 the Penal Code.

29 (4) The attorney representing the juvenile who is the subject of  
30 the juvenile police record in a criminal or juvenile proceeding.

31 (5) The Department of Motor Vehicles.

32 (c) Except as provided in Sections 389 and 781 of this code or  
33 Section 1203.45 of the Penal Code, law enforcement agencies  
34 shall release, upon request, a copy of a juvenile police record to the  
35 following persons and entities only if identifying information  
36 pertaining to any other juvenile, within the meaning of subdivision  
37 (n), has been removed from the record:

38 (1) The person who is the subject of the juvenile police record.

39 (2) The parents or guardian of a minor who is the subject of the  
40 juvenile police record.



(3) An attorney for a parent or guardian of a minor who is the subject of the juvenile police record.

(d) (1) (A) If a person or entity listed in subdivision (c) seeks to obtain a complete copy of a juvenile police record that contains identifying information concerning the taking into custody or detention of any other juvenile, within the meaning of subdivision (n), who is not a dependent child or a ward of the juvenile court, that person or entity shall submit a completed Petition to Obtain Report of Law Enforcement Agency, as developed pursuant to subdivision (i), to the appropriate law enforcement agency. The law enforcement agency shall send a notice to the following persons that a Petition to Obtain Report of Law Enforcement Agency has been submitted to the agency:

(i) The juvenile about whom information is sought.

(ii) The parents or guardian of any minor described in subparagraph (i). The law enforcement agency shall make reasonable efforts to obtain the address of the parents or guardian.

(B) For purposes of responding to a request submitted pursuant to this subdivision, a law enforcement agency may check the Juvenile Automated Index or may contact the juvenile court to determine whether a person is a dependent child or a ward of the juvenile court and whether parental rights have been terminated or the juvenile has been emancipated.

(C) The notice sent pursuant to this subdivision shall include the following information:

(i) The identity of the person or entity requesting a copy of the juvenile police record.

(ii) A copy of the completed Petition to Obtain Report of Law Enforcement Agency.

(iii) The time period for submitting an objection to the law enforcement agency, which shall be 20 days if notice is provided by mail or confirmed fax, or 15 days if notice is provided by personal service.

(iv) The means to submit an objection.

A law enforcement agency shall issue notice pursuant to this section within 20 days of the request. If no objections are filed, the law enforcement agency shall release the juvenile police record within 15 days of the expiration of the objection period.

(D) If any objections to the disclosure of the other juvenile's information are submitted to the law enforcement agency, the law



1 enforcement agency shall send the completed Petition to Obtain  
2 Report of Law Enforcement Agency, the objections, and a copy of  
3 the requested juvenile police record to the presiding judge of the  
4 juvenile court or, in counties with no presiding judge of the  
5 juvenile court, the judge of the juvenile court or his or her  
6 designee, to obtain authorization from the court to release a  
7 complete copy of the juvenile police record.

8 (2) If a person or entity listed in subdivision (c) seeks to obtain  
9 a complete copy of a juvenile police record that contains  
10 identifying information concerning the taking into custody or  
11 detention of any other juvenile, within the meaning of subdivision  
12 (n), who is a dependent child or a ward of the juvenile court, that  
13 person or entity shall submit a Petition to Obtain Report of Law  
14 Enforcement Agency, as developed pursuant to subdivision (i), to  
15 the appropriate law enforcement agency. The law enforcement  
16 agency shall send that Petition to Obtain Report of Law  
17 Enforcement Agency and a completed petition for authorization  
18 to release the information to that person or entity along with a  
19 complete copy of the requested juvenile police record to the  
20 presiding judge of the juvenile court, or, in counties with no  
21 presiding judge of the juvenile court, the judge of the juvenile  
22 court or his or her designees. The juvenile court shall provide  
23 notice of the petition for authorization to the following persons:

24 (A) If the person who would be identified if the information is  
25 released is a minor who is a dependent child of the juvenile court,  
26 notice of the petition shall be provided to the following persons:

27 (i) The minor.

28 (ii) The attorney of record for the minor.

29 (iii) The parents or guardian of the minor, unless parental rights  
30 have been terminated.

31 (iv) The child protective agency responsible for the minor.

32 (v) The attorney representing the child protective agency  
33 responsible for the minor.

34 (B) If the person who would be identified if the information is  
35 released is a ward of the juvenile court, notice of the petition shall  
36 be provided to the following:

37 (i) The ward.

38 (ii) The attorney of record for the ward.

39 (iii) The parents or guardian of the ward if the ward is under 18  
40 years of age, unless parental rights have been terminated.



1 (iv) The district attorney.

2 (v) The probation department.

3 (e) Except as otherwise provided in this section or in Sections  
4 389 and 781 of this code or Section 1203.45 of the Penal Code, law  
5 enforcement agencies shall release copies of juvenile police  
6 records to any other person designated by court order upon the  
7 filing of a Petition to Obtain Report of Law Enforcement Agency  
8 with the juvenile court. The petition shall be filed with the  
9 presiding judge of the juvenile court, or, in counties with no  
10 presiding judge of the juvenile court, the judge of the juvenile  
11 court or his or her designee, in the county where the juvenile police  
12 record is maintained.

13 (f) (1) After considering the petition and any objections  
14 submitted to the juvenile court pursuant to paragraph (1) or (2) of  
15 subdivision (d), the court shall determine whether the law  
16 enforcement agency may release a complete copy of the juvenile  
17 police record to the person or entity that submitted the request.

18 (2) In determining whether to authorize the release of a juvenile  
19 police record, the court shall balance the interests of the juvenile  
20 who is the subject of the record, the petitioner, and the public. The  
21 juvenile court may issue orders prohibiting or limiting the release  
22 of information contained in the juvenile police record. The court  
23 may also deny the existence of a juvenile police record where the  
24 record is properly sealed or the juvenile who is the subject of the  
25 record has properly denied its existence.

26 (3) Prior to authorizing the release of any juvenile police  
27 record, the juvenile court shall ensure that notice and an  
28 opportunity to file an objection to the release of the record has been  
29 provided to the juvenile who is the subject of the record or who  
30 would be identified if the information is released, that person's  
31 parents or guardian if he or she is under 18 years of age, and any  
32 additional person or entity described in subdivision (d), as  
33 applicable. The period for filing an objection shall be 20 days from  
34 the date notice is given if notice is provided by mail or confirmed  
35 fax and 15 days from the date notice is given if notice is provided  
36 by personal service. If review of the petition is urgent, the  
37 petitioner may file a motion with the presiding judge of the  
38 juvenile court showing good cause why the objection period  
39 should be shortened. The court shall issue a ruling on the

1 completed petition within 15 days of the expiration of the  
2 objection period.

3 (g) Any out-of-state entity comparable to the California  
4 entities listed in paragraphs (1) to (5), inclusive, of subdivision (b)  
5 shall file a petition with the presiding judge of the juvenile court  
6 in the county where the juvenile police record is maintained in  
7 order to receive a copy of a juvenile police record. A petition from  
8 that entity may be granted on an ex parte basis.

9 (h) Nothing in this section shall require the release of  
10 confidential victim or witness information protected by other laws  
11 including, but not limited to, Section 841.5 of the Penal Code,  
12 Section 11167 et seq. of the Penal Code, and Section 6254 of the  
13 Government Code.

14 (i) The Judicial Council, in consultation with the California  
15 Law Enforcement Association of Record Supervisors (CLEARS),  
16 shall develop forms for distribution by law enforcement agencies  
17 to the public to implement this section. Those forms shall include,  
18 but are not limited to, the Petition to Obtain Report of Law  
19 Enforcement Agency. The material for the public shall include  
20 information about the persons who are entitled to a copy of the  
21 juvenile police record and the specific procedures for requesting  
22 a copy of the record if a petition is necessary. The Judicial Council  
23 shall provide law enforcement agencies with suggested forms for  
24 compliance with the notice provisions set forth in subdivision (d).

25 (j) Any information received pursuant to subdivisions (a) to  
26 (e), inclusive, and (g) of this section shall be received in  
27 confidence for the limited purpose for which it was provided and  
28 shall not be further disseminated. An intentional violation of the  
29 confidentiality provisions of this section is a misdemeanor,  
30 punishable by a fine not to exceed five hundred dollars (\$500).

31 (k) A court shall consider any information relating to the taking  
32 of a minor into custody, if the information is not contained in a  
33 record which has been sealed, for purposes of determining whether  
34 an adjudication of the commission of a crime as a minor warrants  
35 a finding that there are circumstances in aggravation pursuant to  
36 Section 1170 of the Penal Code or to deny probation.

37 (l) When a law enforcement agency has been notified pursuant  
38 to Section 1155 that a minor has escaped from a secure detention  
39 facility, the law enforcement agency shall release the name of, and  
40 any descriptive information about, the minor to a person who

1 specifically requests this information. The law enforcement  
2 agency may release the information on the minor without a request  
3 to do so if it finds that release of the information would be  
4 necessary to assist in recapturing the minor or that it would be  
5 necessary to protect the public from substantial physical harm.

6 (m) For purposes of this section, a “juvenile police record”  
7 refers to records or information relating to the taking of a minor  
8 into custody, temporary custody, or detention.

9 (n) For purposes of this section, with respect to a juvenile  
10 police record, “any other juvenile” refers to additional minors  
11 who were taken into custody or temporary custody, or detained and  
12 who also could be considered a subject of the juvenile police  
13 record.

14 (o) An evaluation of the efficacy of the procedures for the  
15 release of police records containing information about minors as  
16 described in this section shall be conducted by the juvenile court  
17 and law enforcement in Los Angeles County and the results of that  
18 evaluation shall be reported to the Legislature on or before  
19 December 31, 2006.

20 (p) This section shall only apply to Los Angeles County.

21 SEC. 35. No reimbursement is required by this act pursuant  
22 to Section 6 of Article XIII B of the California Constitution  
23 because the only costs that may be incurred by a local agency or  
24 school district will be incurred because this act creates a new crime  
25 or infraction, eliminates a crime or infraction, or changes the  
26 penalty for a crime or infraction, within the meaning of Section  
27 17556 of the Government Code, or changes the definition of a  
28 crime within the meaning of Section 6 of Article XIII B of the  
29 California Constitution.

30 SEC. 36. Any section of any *act, other than Senate Bill 1316,*  
31 *that is* enacted by the Legislature during the 2002 calendar year  
32 that takes effect on or before January 1, 2003, and that amends,  
33 amends and renumbers, adds, repeals and adds, or repeals any one  
34 or more of the sections affected by this act shall prevail over this  
35 act, whether that act is enacted prior to, or subsequent to, the  
36 enactment of this act. The repeal, or repeal and addition, of any  
37 article, chapter, part, title, or division of any code by this act shall  
38 not become operative if any section of any other act that is enacted  
39 by the Legislature during the 2002 calendar year and takes effect  
40 on or before January 1, 2003, amends, amends and renumbers,

- 1 adds, repeals and adds, or repeals any section contained in that
- 2 article, chapter, part, title, or division.

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